# Fluidity Aff

## ideas

Util/K debaters: Read Framing, read only #1 and #2 framework justification

Pure k debater: No fwk, shorten contention by 1 or 2 cards, and a ton of framing/pre-empts

Phil debater: no framing contention, whole fwk and shorter contention

Sketch debater: whole solvency contention, shorter harms contention, only Elias in framing, and whole fwk

## 1AC material

### Fwk

#### Oppression is bad for equality

#### Arbitrariness – identity is morally arbitrary, so allowing discrimination undermines the foundation of a moral theory.

#### Inclusion is an epistemological prerequisite – oppression is the biggest impact since we can’t form moral theories until all those affected are included by it.

#### Any theory that condones an unequal societal order should be rejected since it would not be accepted by those at the bottom – this makes it useless as a political philosophy, which must be justifiable to the citizens who the government rules over

#### Neg frameworks assume a starting position of equality, grounding their framework as if everyone could engage in ethics. This starting point is flawed – if their justifications take into account unequal social orders they would require rectifying these inequalities since it’s a prerequisite to ethical justification.

#### Abstract liberalism has been redeployed to maintain status quo oppression – only ACTIVE resistance can solve; other ethics only serve the interests of power

Bonilla-Silva 6 explains the example of racism [(Eduardo, Professor of Sociology at Duke University) “Racism without racist: Color-Blind Racism and the Persistence of Racial Inequality in the United States” 2006] AT

If Jim Crow’s racial structure has been replaced by a ‘‘new racism,’’ what happened to Jim Crow racism? What happened to beliefs about blacks’ mental, moral, and intellectual inferiority, to the idea that ‘‘it is the [black man’s] own fault that he is a lower-caste . . . a lower-class man’’ or the assertion that blacks ‘‘lack initiative, are shiftless, have no sense of time, or do not wish to better themselves’’;1 in short, what happened to the basic claim that blacks are subhuman?2 Social analysts of all stripes agree that most whites no longer subscribe to these tenets. However, this does not mean the ‘‘end of racism,’’3 as a few conservative commentators have suggested. Instead, a new powerful ideology has emerged to defend the contemporary racial order: the ideology of color-blind racism. Yet, color-blind racism is a curious racial ideology. Although it engages, as all ideologies do, in ‘‘blaming the victim,’’ it does so in a very indirect, ‘‘now you see it, now you don’t’’ style that matches the character of the new racism. Because of the slipperiness of color-blind racism, in this chapter I examine its central frames and explain how whites use them in ways that justify racial inequality. THE FRAMES OF COLOR-BLIND RACISM Ideologies are about ‘‘meaning in the service of power.’’4 They are expressions at the symbolic level of the fact of dominance. As such, the ideologies of the powerful are central in the production and reinforcement of the status quo. They comfort rulers and charm the ruled much like an Indian snake handler. Whereas rulers receive solace by believing they are not involved in the terrible ordeal of creating and maintaining inequality, the ruled are charmed by the almost magic qualities of a hegemonic ideology.5 The central component of any dominant racial ideology is its frames or set paths for interpreting information. These set paths operate as cul-de-sacs because after people filter issues through them, they explain racial phenomena following a predictable route. Although by definition dominant frames must misrepresent the world (hide the fact of dominance), this does not mean that they are totally without foundation. (For instance, it is true that people of color in the United States are much better off today than at any other time in history. However, it is also true—facts hidden by color-blind racism—that because people of color still experience systematic discrimination and remain appreciably behind whites in many important areas of life, their chances of catching up with whites are very slim.) Dominant racial frames, therefore, provide the intellectual road map used by rulers to navigate the always rocky road of domination and, as I will show in chapter 6, derail the ruled from their track to freedom and equality. Analysis of the interviews with college students and DAS respondents revealed that color-blind racism has four central frames and that these frames are used by an overwhelming majority of the white respondents. The four frames are abstract liberalism, naturalization, cultural racism, and minimization of racism. Of the four frames, abstract liberalism is the most important, as it constitutes the foundation of the new racial ideology. It is also the hardest to understand (What is racial about opposing busing or affirmative action, policies that clearly interfere with our American individualism?). Thus, I dedicate more space in this chapter to its discussion and to how it plays out in the color-blind drama. In order to adequately understand the abstract liberalism frame, first we need to know what is liberalism. According to John Gray, liberalism, or ‘‘liberal humanism,’’ is at the core of modernity; of the philosophical, economic, cultural, and political challenge to the feudal order. Although he acknowledges that liberalism has no ‘‘essence,’’ he points out that it has a ‘‘set of distinctive features,’’ namely, individualism, universalism, egalitarianism, and meliorism (the idea that people and institutions can be improved).6 All these components were endorsed and placed at the core of the constitutions of emerging nation-states by a new set of actors: the bourgeoisies of early modern capitalism. When the bourgeoisie lauded freedom, they meant ‘‘free trade, free selling and buying’’; when they applauded ‘‘individualism,’’ they had in mind ‘‘the bourgeois . . . the middle-class owner of property’’; ‘‘The ideas of religious liberty and freedom of conscience merely gave expression to the sway of free competition within the domain of knowledge.’’7 Hence, classical liberalism was the philosophy of a nascent class that as an aspiring ruling class expressed its needs (political as well as economic) as general societal goals. But the bourgeois goals were not extended to the populace in their own midst until the twentieth century.8 Moreover, the liberal project was never inclusive of the countries that Spain, Portugal, France, Britain, the Netherlands, Italy, and later on, Germany used as outposts for raw materials and racialized workers (e.g., slaves). Although contemporary commentators debate the merits of liberal humanism as it pertains to current debates about race-based policies, muticulturalism, and ‘‘equality of results,’’9 many seem oblivious to the fact that ‘‘European humanism (and liberalism) usually meant that only Europeans were human.’’10 Philosophers such as Kant stated that the differences between blacks and whites were ‘‘to be as great in regard to mental capacities as in colour.’’ Voltaire, the great French philosopher, said on the same subject that ‘‘only a blind man is permitted to doubt that Whites, Blacks, and Albinoes . . . are totally different races.’’ Lastly, even the father of modern liberalism, John Stuart Mill, author of On Liberty, justified 19th-century colonialism and supported slavery in antiquity and in certain 19th-century colonial situations.11 To be clear, my intent here is not to vilify the founders of liberalism, but to point out that modernity, liberalism, and racial exclusion were all part of the same historical movement. The liberal tradition informed the American Revolution, the U.S. Constitution, and ‘‘the leading American liberal thinker of this period, Thomas Jefferson.’’12 And in the United States as in Europe, the exclusion of the majority of white men and all white women from the rights of citizenship and the classification of Native Americans and African Americans as subpersons accompanied the development of the new liberal nation-state.13 Specifically, racially based policies such as slavery, the removal of Native Americans from their lands and their banishment to reservations, the superexploitation and degrading utilization of Mexicans and various Asian groups as contract laborers, Jim Crow, and many other policies were part of the United States’ ‘‘liberal’’ history from 1776 until the 1960s. Nevertheless, I would be remiss if I failed to acknowledge that, in both Europe and the United States, disenfranchised groups and progressive politicians used the liberal rhetoric to advance social and legal reforms (e.g., the Civil Rights Movement, the National Organization of Women, Liberal parties in Europe).14 Thus liberalism, when extended to its seemingly logical conclusions (‘‘Life, liberty, and the pursuit of happiness for all’’) and connected to social movements, can be progressive. My point, however, is less about social-reform liberalism (although I contend many reform organizations and many white reform-minded individuals15 have adopted color-blind racism) than about how central elements of liberalism have been rearticulated in post–Civil Rights America to rationalize racially unfair situations. The frame of abstract liberalism involves using ideas associated with political liberalism (e.g., ‘‘equal opportunity,’’ the idea that force should not be used to achieve social policy) and economic liberalism (e.g., choice, individualism) in an abstract manner to explain racial matters. By framing race-related issues in the language of liberalism, whites can appear ‘‘reasonable’’ and even ‘‘moral,’’ while opposing almost all practical approaches to deal with de facto racial inequality. For instance, the principle of equal opportunity, central to the agenda of the Civil Rights Movement and whose extension to people of color was vehemently opposed by most whites, is invoked by whites today to oppose affirmative-action policies because they supposedly represent the ‘‘preferential treatment’’ of certain groups. This claim necessitates ignoring the fact that people of color are severely underrepresented in most good jobs, schools, and universities and, hence, it is an abstract utilization of the idea of ‘‘equal opportunity.’’ Another example is regarding each person as an ‘‘individual’’ with ‘‘choices’’ and using this liberal principle as a justification for whites having the right of choosing to live in segregated neighborhoods or sending their children to segregated schools. This claim requires ignoring the multiple institutional and state-sponsored practices behind segregation and being unconcerned about these practices’ negative consequences for minorities.

Continues

‘‘Nothing Should Be Forced upon People’’: Keeping Things the Way They Are A central tenet of liberal democracies is that governments should intervene in economic and social matters as little as possible because the ‘‘invisible hand of the market’’ eventually balances states of disequilibrium. A corollary of this tenet, and part of the American mythology, is the idea that social change should be the outcome of a rational and democratic process and not of the government’s coercive capacity.26 During the Jim Crow era, the belief that racial change should happen through a slow, evolutionary process in ‘‘peoples’ hearts’’ rather than through governmental actions was expressed in the phrase ‘‘you cannot legislate morality.’’27 This old standpoint has been curiously reformulated in the modern era to justify keeping racial affairs the way they are. These ideas appeared occasionally in discussions on affirmative action, but most often in discussions about school and residential integration in America. Sonny, a student at MU, explained in typical fashion her position on whether school segregation is the fault of government, whites, or blacks. As almost all the students, Sonny first stated her belief that school integration is in principle a good thing to have: ‘‘In principle, yeah, I think that’s a good idea because like with, like with people interacting, they will understand each other better in future generations.’’ But Sonny also, as most students, was not too fond of government attempts to remedy school segregation or, in her words, ‘‘I, I don’t—I mean, it should be done if people want to do it. If people volunteer for it, and they want that part of their lives, then they should do it, but the government should not force people to bus if they don’t want that.’’ When asked to clarify her stance on this matter, she added, ‘‘I don’t think the government should impose any legislation thinking that it will change people’s hearts because people have to change them on their own. You can’t force them to say ‘Well, OK, now that I have to bus my kid there, I like it.’ ’’ DAS respondents were as adamant as students in arguing that it is not the government’s business to remedy racial problems. For example, Lynn, a human resources manager in her early fifties, explained why there has The Central Frames of Color-Blind Racism 35 been so little school integration since the 1954 Brown v. Board of Education decision: I don’t and that’s another one. I do not believe in busing. The reason I don’t believe in busing, you know, I said I don’t. I didn’t encourage my children to play with the neighborhood kids. I still felt that going to school in your community was the key to developing a child’s sense of community and I still believe that. One of the reasons, another reason I moved from where I was [was] that I didn’t want my children to be bused. I didn’t want to have them got on a bus, especially me working. So I don’t think that is an answer. I think the answer is education and helping people learn to make a life for themselves and, you know, any type of social program that interacts, that provides interaction between races I think is excellent. But I’m just not a busing person. Lynn wants equal opportunity in education as well as community schools, a position that sounds perfectly reasonable. However, one would expect Lynn to support doing something to make sure that communities throughout America are diverse, a policy that other things being equal would guarantee school integration. Yet, Lynn took a very strong laissez- faire, antigovernment intervention stance on this matter. Lynn answered as follows the question, ‘‘America has lots of all-white and all-black neighborhoods. What do you think of this situation?’’ I don’t have a problem with all-white and all-black neighborhoods if that’s the choice of the people, the individuals. But, if it’s forced either way, if I’m a black person and I’ve come into the neighborhood and I want to live here and selectively denied that option, that’s wrong. But, again, there still has to be some type of social interaction for growth and if the social interaction takes place then, the cross-integration will take place, I think. When pressed about what she thought could be done specifically to increase the mixing of the races in neighborhoods, Lynn restated that this could only be achieved ‘‘through educating (people) and encouraging businesses.’’ Lynn was not alone in having this abstract view on school and neighborhood integration. Only one of the white respondents who opposed busing in the interviews (69.7 percent of whites opposed busing in the survey) provided a specific proposal that if implemented would increase residential as well as school integration.28 Individual Choice or an Excuse for Racial Unfairness and Racially Based Choices? Individualism 29 today has been recast as a justification for opposing policies to ameliorate racial inequality because they are ‘‘group based’’ rather 36 Chapter 2 than ‘‘case by case.’’ In addition, the idea of individual choice is used to defend whites’ right to live and associate primarily with whites (segregation) and for choosing whites exclusively as their mates. The problem with how whites apply the notion of individualism to our present racial conundrum is that a relation of domination-subordination still ordains race relations in the United States (see chapters 1 and 4 in my White Supremacy and Racism in the Post–Civil Rights Era). Thus, if minority groups face group-based discrimination and whites have group-based advantages, demanding individual treatment for all can only benefit the advantaged group.30 And behind the idea of people having the right of making their own ‘‘choices’’ lays the fallacy of racial pluralism—the false assumption that all racial groups have the same power in the American polity. Because whites have more power, their unfettered, so-called individual choices help reproduce a form of white supremacy in neighborhoods, schools, and society in general. Lynn, a human resources manager, used the notion of individualism in a very curious way. Although Lynn expressed her support for affirmative action because ‘‘there’s still a lot of discrimination,’’ she thinks that ‘‘there isn’t as much discrimination as there used to be.’’ Lynn also acknowledged white males have advantages in society and said ‘‘the white male is pretty much instilled’’ and ‘‘very much represses . . . um, people and other minorities.’’ Nevertheless, when it came to the possibility of affirmative action affecting her, Lynn said: Um, because affirmative action is based on a group as a whole, but when it comes down to the individual, like if affirmative action were against me one time, like it would anger me. I mean, because, you know, I as an individual got ripped off and, you know, getting a job. DAS respondents also used individualism to justify their racial views and race-based preferences. For example, Mandi, a registered nurse in her thirties, said she had no problems with neighborhood segregation. She justified her potentially problematic position by saying that people have the right to choose where and with whom they live. Umm, I think that people select a neighborhood to live in that they are similar to and people, you know, whatever similarities they find [louder voice], you know, it’s race, economical level, religion, or, you know, whatever. When you are looking at somebody you don’t know what, what denomination they are or what political preference they have, but you can tell right off in race. I think that they choose to live in a neighborhood that is their race.

#### 4. The topic concerns a conflict between 2 types of violations, the question is which one is worse. Their framework must be able to weigh impacts, and oppression should be a relevant impact under their framework, or else you should reject it since it literally says inequality isn’t bad which violates the most fundamental requirements of an ethical theory. In these conflicts, default to oppression since

#### A) certain groups have been marginalized for a long time, so correcting that skew ensures the possibility for future change; prioritizing other violations allows that marginalization continues indefinitely

#### B) inequality is especially repugnant, regardless of the degree of harm caused – the fact that people are equal means one group shouldn’t be harmed for the sake of the collective

#### C) Marginalization spills over and impacts all other types of violations, restricting free speech, political inclusion, and democratic vitality, so it’s a stronger link to other standards than other offense

#### 5. Traditional ideas of democracy, formal inclusion, and negative rights are exclusionary, making deliberative processes illegitimate until we transform them

Young 1 [prof of polisci @ U Chicago] “Activist Challenges to Deliberative Democracy.” Political Theory, Vol. 29, No. 5 (Oct., 2001), pp. 670-690

The activist is more suspicious even of these deliberative processes that claim to give all affected by projected policies, or at least representatives of everyone, the opportunity to express their opinions in a deliberative process. In a society structured by deep social and economic inequalities, he believes that formally inclusive deliberative processes nevertheless enact structural biases in which more powerful and socially advantaged actors have greater access to the deliberative process and therefore are able to dominate the proceedings with their interests and perspectives. Under conditions of structural inequality, normal processes of deliberation often in practice restrict access to agents with greater resources, knowledge, or connections to those with greater control over the forum. We are familiar with the many manifestations of this effective exclusion from deliberation. Where radio and television are major fora for further deliberation, for example, citizens either need the money or connections to get airtime. Even when a series of public hearings are announced for an issue, people who might wish to speak at them need to know about them, be able to arrange their work and child care schedule to be able attend, be able to get to them, and have enough understanding of the hearing process to participate. Each of these abilities is unevenly present among members of a society. Some have argued that such differential access and participation characterized both of the ostensibly inclusive public deliberative processes I cited above: the Oregon Medicaid process and the deliberations about the South African constitution. In the first case, participants in the consultative process turned out to be largely white, middle-class, able-bodied people, despite the fact that the program specifically was to serve lower income people. Many citizens of South Africa understood too little about the meaning of a constitution, or their lives were too occupied by survival, for them to become involved in that deliberative process. The activist thus argues that citizens who care about justice should continue to criticize processes of public deliberation from the outside, even when the latter have formal rules aimed at producing wide participation. To the extent that structural inequalities in the society operate effectively to restrict access to these deliberative processes, their deliberations and conclusions are not legitimate. Responsible citizens should remain at least partially outside, protesting the process, agenda, and outcome of these proceedings and demonstrating against the underlying relations of privilege and disadvantage that condition them. They should aim to speak on behalf of those de facto excluded and attempt to use tactics such as strikes, boycotts, and disruptive demonstrations to pressure these bodies to act in ways that respond to the needs and interests of those effectively excluded. If we participate in these formally inclusive processes, the activist says, we help confer undeserved legitimacy on them and fail to speak for those who remain outsiders.

#### Specifically, heteronormative power structures are exclusionary and problematize notions of democracy

Farrell 4 [(Kathleen, therapist with transgender people at Behavioral Health Centers at Tampa Bay) “Interrupting Heteronormativity”] AT

Although the term “heteronormativity” is gaining some currency in pedagogical theories and practices, the term is often left out of discussions about “diversity” altogether. Heteronormativity sounds complex, but is actually quite simple. As a term, heteronormativity describes the processes through which social institutions and social policies reinforce the belief that human beings fall into two distinct sex/gender categories: male/man and female/woman. This belief (or ideology) produces a correlative belief that those two sexes/genders exist in order to fulfill complementary roles, i.e., that all intimate relationships ought to exist only between males/men and females/women. To describe a social institution as heteronormative means that it has visible or hidden norms, some of which are viewed as normal only for males/men and others which are seen as normal only for females/women. As a concept, heteronormativity is used to help identify the processes through which individuals who do not appear to “fit” or individuals who refuse to “fit” these norms are made invisible and silenced. Heteronormative institutions and practices, then, block access to full legal, political, economic, educational, and social participation for millions of individuals in the U.S. This anti-democratic, exclusionary ideology undermines the fundamental mission of Syracuse University.

#### 6. An accurate epistemology is key – otherwise a framework will be biased, making it self-defeating. A better epistemological standpoint is a pre-requisite to accurate ethical deliberation – the dominant standpoint precludes meaningful discussion of how morality is constructed because it ignores oppression – examining ethical problems from the oppressed is key

Jaggar 83 [Alison M. Jaggar, professor of philosophy and women studies at University of Colorado - Boulder, Feminist Politics and Human Nature, Lanham: Rowman and Littlefield. 1983]

The standpoint of the oppressed is not just different from that of the ruling class; it is also epistemologically advantageous. It provides the basis for a view of reality that is more impartial than that of the ruling class and also more comprehensive. It is more impartial because it comes closer to representing the interests of society as a whole; whereas the standpoint of the ruling class reflects the interests only of one section of the population, the standpoint of the oppressed represents the interests of the totality in that historical period. Moreover, whereas the condition of the oppressed groups is visible only dimly to the ruling class, the oppressed are able to see more clearly the ruled as well as the rulers and the relation between them. Thus, the standpoint of the oppressed includes and is able to explain the standpoint of the ruling class.

#### Thus, the standard is resisting oppression

#### Oppression is necessarily a group harm - it constitutes harmful acts towards a group because they are a certain group.

Pierce 10 [Andrew J. Pierce. “Oppression as Group Harm.” Sacred Heart University. January 2010] AJ

Oppression then, if we are to look to classical liberals like Hobbes, Locke, and Rousseau, can take can take the form of murder, theft, intimidation, and imprisonment, but also unjust taxation, illegitimate consignment, and other State acts. Yet, what binds the liberal conception of oppression together, despite its lack of precision, is that the harms it condemns are harms to individuals, even if the individual harms are widely shared.4 Formal legal equality within a representative system of government then, is generally sufficient to prevent this kind of oppression. Given that most modern liberal democracies fit this description, why does talk of oppression persist? My intuition, which I will now develop, is that current talk of oppression points to a very different phenomenon. Explanations that include groups as causal agents are fairly common. Consider the following example. In Seattle in 1999, massive protests virtually shut down the third ministerial conference of the World Trade Organization. By taking control of key intersections, and also by sheer number, protestors made it impossible for WTO delegates to reach the conference destination. Setting aside issues of the morality of the protestors’ tactics, the events just described cannot even be explained, let alone evaluated on an individualist model. It is true that the group was comprised of several thousand individuals. Yet this fact is inadequate at best, and irrelevant at worst to the explanation of the events. The actions of the group cannot be reduced, in this case, to the actions and/or intentions of its individual members. Paul Sheehy writes “if the joint action is broken down into its individual components, then the essential element in its effectiveness is lost – the jointness or coordination of the actions.”5 An individual, however determined, cannot by mere presence make a street inaccessible, breach a barricade, or halt factory production. Explanations of such events must include the group qua group among its causes. In such cases, the collective nature of the group is irreducible. The same can be said also for group harms. An individual can be harmed in a number of direct ways: through acts of violence, discrimination, humiliation, and so on. But groups can also be the irreducible objects of harm. Hate crimes, for example, take the form of individual harms, but are additionally, and perhaps even primarily group harms. A person attacked in virtue of her race, gender, or sexuality is obviously harmed individually. But other members of her group can also be said to be harmed, even though the attack was not aimed at them individually. The lynching of African Americans, for example, is an attack on the group as a whole, and not just the individual victims. This is part of the justification underlying harsher penalties for crimes that target individuals based upon their group memberships.6 Further, it is not just the threat of potential harm to other like individuals that justifies saying that they are harmed. A Hmong woman living in a western democracy may have no reason to fear individual mistreatment based on reports that Hmong people are being mistreated elsewhere, but she may still be harmed emotionally or otherwise by the fact that members of her group have suffered because of their group membership. Oppression must be understood as a group harm of this type. In a brief but illuminating essay, Marilyn Frye hypothesizes that “if an individual is oppressed, it is in virtue of being a member of a group or category of people that is systematically reduced, molded, immobilized. Thus, to recognize a person as oppressed, one has to see that individual as belonging to a group of a certain sort.”7 Accordingly, she makes a distinction between individual and group harm. She imagines a “rich white playboy,” who breaks a leg in a skiing accident. Clearly such a person is harmed, but he is not oppressed, she claims, even if his injury can be traced to someone’s negligence or intentional malice, since his individual misfortune is not premised upon his group membership.8 Even violations of fundamental individual rights do not automatically translate to instances of oppression. If the government seizes my property, for example, or denies my right to freedom of speech, this violation should not automatically be characterized as oppression. If, however, the government seizes the property of, or denies the right of free speech to a certain group, based solely or primarily on preexisting group membership, then the violation is properly called an instance of oppression. When oppression is used loosely to name any and all forms of humanly inflicted harm and suffering, it loses much of its critical potential. Oppression today points to a phenomenon that may include individual harm, but is nonetheless analytically distinct from it. But Frye’s definition is not yet precise enough. Must we count the mandatory registration of sex offenders, for example, as an instance of oppression? If sex offenders count as a social group, and if this restriction is placed upon them in virtue of being a member of that group, then it seems we must. If this seems intuitively problematic, it is because the idea that oppressed groups are social groups of a “certain sort” has not yet been specified clearly enough. What distinguishes sex-offenders from truly oppressed groups is that oppressed groups are paradigmatically non-intentional. That is, they do not depend upon, and generally do without the voluntary consent of their members. The existence of a racial group, for example, does not depend upon the identification of a shared purpose on the part of those it purports to classify. Instead, these groupings are often understood as somehow “natural”.9 But sex offenders, difficult questions of nature versus nurture aside, are grouped together based upon some individual criminal action(s) that they committed. So though they might not share a common purpose in any robust sense, they still count as an intentional group, given that the law has seen fit to classify their actions together in a way that defines them as a group. In other words, they share a characteristic that is deemed socially relevant in an important way. But individuals can share other socially relevant features besides individual actions and intentions. They can share external characteristics, like social disadvantage, and these also bind individuals together as social groups. In Analyzing Oppression, Ann Cudd focuses on these latter features in attempting to define oppressed groups. She argues against those who claim that social groups are necessarily defined by shared intentions. Many relevant social groups do not meet this qualification, particularly oppressed groups. But what, then, qualifies an oppressed group as a group? For her, the key feature is shared social constraints. She explains that constraints are social “when they come about as a result of social actions,” including “legal rights, obligations and burdens, stereotypical expectations, wealth, income, social status, conventions, norms, and practices” (41). Such constraints can and do shape intentional as much as non-intentional groups, as the sex offender example illustrates, but oppression proper occurs when these constraints are based upon non-voluntary group membership.

### Contention

#### Contention 1 is Fluidity

#### Constant digital memory denies fluid identity, holding the past as a constant marker of identity that is immutable. The right to be forgotten frees us to pursue any identity

Andrade 12 [Norberto Nuno Gomes de Andrade, Scientific Officer in the Information Society Unit of the European Commission’s Institute for Prospective Technological Studies – Joint Research Center. “Oblivion: The Right to Be Different … from Oneself Reproposing the Right to Be Forgotten,” International Conference on Internet, Law & Politics.] **AZ**

Today, what we post on the Internet becomes a kind of tattoo attached to ourselves, hard and cumbersome to remove. The past is no longer the past, but an everlasting present. Mayer-Schönberger argues that “as more and more information is added to digital memory, digital remembering confuses human decision-making by overloading us with information that we are better off to have forgotten.”46 I would add that constant digital remembering also confuses identities, overlapping traces and actions that belong to an identity that we no longer want to see represented and remembered. Given this state of affairs, I have presented a deeper and richer conceptualization of the right to be forgotten under the umbrella of the right to personal identity. The association between the right to be forgotten and the right to personal identity47 that I propose provides a stronger case for the emergence and consolidation of the right to oblivion. This should not only be seen from a privacy point of view, but also from an identity standpoint. It is important to acknowledge not only the immediate consequences of the application of the right to be forgotten, that is, the possibility to conceal past facts and actions from public knowledge (privacy perspective), but also to bear in mind the more profound implications of the application of the right, that is, what it allows us to do afterwards. Following this perspective, I have stated that the right to be forgotten does not only share an undeniable interest in an individual’s uniqueness, but also develops that interest in an unprecedented way. The right to oblivion constitutes the right to be different, not only from others, but from oneself, from whom we once were. The right to oblivion, as such, underlines the deconstruction of identity, as a result of which old identities can be removed and new identities formed. Along these lines, the right to be forgotten also equates to the right to new beginnings, the right to start over, with a clean slate, and the right to selfdefinition, preventing the past from excessively conditioning our present and future life. The right to be forgotten can therefore be considered an important legal instrument to both de- and reconstruct one’s identity, to provide the opportunity to re-create oneself, exerting better control over one’s identity.

#### Specifically – it opens up new pathways for becoming through personal choice, allowing for identity construction and recognizing identity as socially constructed

Andrade 12 [Norberto Nuno Gomes de Andrade, Scientific Officer in the Information Society Unit of the European Commission’s Institute for Prospective Technological Studies – Joint Research Center. “Oblivion: The Right to Be Different … from Oneself Reproposing the Right to Be Forgotten,” International Conference on Internet, Law & Politics.] **AZ**

The proposed conceptualization of the right to be forgotten not only makes sense from an identity point of view, it also contributes to the further development of the modern conception of identity, reinforcing its “anti-essentialistic” understanding. Following Pino on this matter, personal identity should not be characterized as immutable and contingent, something that one has per natura. Identity is instead a cultural and social construct, something we choose, construct and adhere to.27 Personal identity should be perceived as a matter of choices, a process of continuous negotiation (with ourselves and others), never pre-determined and univocal, but one that can be constantly revised and changed. The right to be forgotten is an important instrument to be used in this process of negotiation, enabling further choices, opening future identities by removing previous ones. Similar ideas can be found in the conceptualization of personal identity as a narrative,28 according to which personal identities are conceived and better understood as stories (that we tell ourselves and share with others): identities are not only nomadic, changing according to the story’s development, but they also remain open to revision. Taking into account the idea of personal identity as a narrative, and stretching it a little further, the question that lies beneath the right to oblivion is the possibility of having parts of our identity narrative erased, preventing them from being accessed and acknowledged by the larger public. This way, the right to be forgotten broadens the scope of the right to personal identity, covering not only the entitlement to construct one’s future identity story, but also to erase one’s past. The right to be forgotten plays an essential role, not in the process of identity construction, but in the process of identity de-construction, allowing for new and different identities to be built afterwards. The conceptualization of the right to oblivion from an identity perspective, moreover, follows the anti-essentialistic line through which law has been regulating personal identity. In fact, law has been endowing individuals with more and more legal instruments through which they may influence and change aspects of their identity. At present, individuals are entitled to break the chains of filiations, modify names, drop nationalities and change sex.29 The right to delete part of one’s identity seems to fit well into the understanding and treatment of personal identity that law has been endorsing. In this conceptualization proposal, one should take into consideration that, contrary to other rights of personality, personal identity changes with the development of the individual and over time.30 Adding to this particularity one of the main rationales of the right to personal identity, the right not to have one’s identity misrepresented or falsified, it seems that the changeable and variable characters of personal identity demand the right to have our most recent and actual identity recognized and ascertained by others.31 This implies, conversely, the right to have past traces of one’s identity (that may go against the actual and current identity) erased, that is, being able to have older facts and actions representative of past identities deleted. As it is only by forgetting past identities that the actual one can prevail, the right to be forgotten may develop an extremely important role in allowing an individual to reconstruct an identity narrative, with the certainty that past ones will not undermine the process. The right to oblivion seems to find an appropriate normative root in the right to personal identity. In fact, the right to be forgotten is at the core of the main interest and value pursued by the right to personal identity: the interest in one's uniqueness, the interest in being different from others and from oneself, that is, from one’s previous identity. As a result, the right to oblivion – as part of the right to personal identity – is intimately connected to the ability to reinvent oneself, to have a second chance, to start over and present a renewed identity to the world.

#### The status quo conception of identity is exclusionary. We should understand identity as fluid and intersectional, allowing an unlimited number of possibilities for shifts in identity and understanding identity along multiple axes. The right to be forgotten thus affirms a notion of identity that is *truly inclusive* of transgender individuals’ experiences.

Diamond 8 [(lisa, Professor at Univ of Utah, Developmental Psychology, Health Psychology) “Questioning Gender and Sexual Identity: Dynamic Links Over Time” Sex Roles 2008] AT

Historically, research on both sexual identity development (generally understood as the process by which individuals come to acknowledge same-sex attractions and to gradually conceive of themselves as nonheterosexual) and gender identity development (understood as the process by which children come to think of themselves as unequivocally and permanently male or female) have adopted dichotomous and essentialist models of gender and sexuality, in which individuals possess and seek to publicly embrace one and only one true identity (male or female, heterosexual or gay– lesbian). Individuals whose experiences of gender and sexuality involve multiplicity and fluidity have been ill-described by such models. For example, sexual identity researchers have long critiqued traditional sexual identity models for failing to account for the experiences of men and women who experience attractions for both men and women, and who do not consider one form of desire to be a “truer” representation of their sexuality than another (reviewed in Rust 2000d). Historically, such individuals’ resistance to dichotomous models of sexual identity and orientation has been attributed to denial, internalized homophobia, or false consciousness (Paul 1996; Rust 2000a, 2000e, 1993, 2001, 2003). These views are now changing (Nichols 1988; Rust 2002; Savin-Williams 2005; Weinberg et al. 1994). Research increasingly demonstrates that categories such as “gay,” “lesbian,” and “heterosexual” are not, in fact unproblematic natural “types.” Furthermore, patterns of same-sex and other-sex desire show far more fluidity and complexity than previously thought (Chivers et al. 2005; Diamond 2007; Rust 2000b; Savin-Williams 2005). A similar adherence to fixed, categorical notions of identity has also historically characterized interpretations of trans-gender experience. Transgender is a broad category typically used to represent any individual whose genderrelated identification or an external presentation either violates conventional conceptualizations of “male” or “female” or mixes different aspects of male and female role and identity. The word and concept “transgender” came into use specifically because many individuals with fluid experiences of gender felt that this phenomenon was not well-described by clinical discussions of transsexualism. The term “transsexual” is typically used to refer to individuals who feel that their true psychological gender is the opposite of their biological sex, and who seek surgical or hormonal modifications in order to bring these two into alignment (Henton 2006; Lawrence 2003, 2007; Sperber et al. 2005). There has been increasing social scientific acknowledgment and investigation of transgender individuals, but much of this work presumes that the primary “dilemma” of all transgender experience is a conflict between one’s psychological gender and one’s biological sex that inhibits expression of the individual’s “true” gender identity (for examples, see Bailey 2003; Cole et al. 2000; Gagne et al. 1997; Prosser 1998; Rubin 2003). Hence, just as the healthy endpoint of sexual identity development was once presumed to be a stable, integrated, unambiguous lesbian, gay, or heterosexual identity (Cass 1979; Coleman 1981/ 1982; Lee 1977; Minton and McDonald 1983; Mohr and Fassinger 2000; Troiden 1979), the normative and healthy endpoint of transgender development is often thought to be adoption of a stable, integrated, unambiguous identification as 100% male or 100% female, often achieved via some form of physical transformation (for example some combination of clothes, makeup, demeanor, hormones, or surgery) aimed at bringing one’s psychological gender and one’s physical gender presentation into direct alignment (for reviews and critiques see Bornstein 1994; Roen 2002). Yet just as research increasingly demonstrates the inadequacy of historical, dichotomous models of sexuality, there is increasing evidence that dichotomous models of gender fail to capture the complexity, diversity, and fluidity of transgender experience (Bornstein 1994; Fausto-Sterling 1993, 2000; Feinberg 1996). Numerous gender and transgender theorists and activists have argued that dichotomous, essentialist models which posit one gender identity as the “true” identity invalidate the experiences of individuals who claim multiple gender identifications. These theorists have argued against a “master narrative” of transgender experience in which all experiences of gender fluidity and multiplicity must be resolved in favor of a singular, unified gender identification/presentation. In resisting this universalized narrative, they challenge the presumed essential basis of sexual differentiation and the corresponding, sociopolitical (and fundamentally patriarchal) sex/gender hegemony (Bornstein 1994; Feinberg 1996; Roen 2002). Yet thus far, this view remains outside the mainstream. Although the phenomenon of conflict between one’s psychological gender and bodily gender has been granted cultural (and sociomedical) legitimacy (American Psychiatric Association 1980), the phenomenon of multiple, simultaneous, and context-specific gender identifications does not yet enjoy such legitimacy, nor is it well-theorized at the level of subjective psychological experience. In this article we maintain that the feminist theoretical framework of intersectionality provides a generative starting point for theorizing women’s experiences of multiple, partial, and fluid gender identifications. Historically, intersectionality has been articulated as a framework for analyzing the way in which multiple social locations and identities mutually inform and constitute one another (Collins 2000; Crenshaw 1991; Stewart and McDermott 2004). A key tenet of theories of intersectionality is that the process of identifying with more than one social group produces altogether new forms of subjective experience that are unique, nonadditive, and not reducible to the original identities that went into them (Stewart and McDermott 2004). Collins (2000), for example, emphasized the ways in which intersections between different social locations and in particular, different sites of sociopolitical oppression (i.e., gender, race, class), created different types of lived experiences which were altogether transformed by their mutual interactions and hence irreducible to the individual strands braided together into the overall matrix. Collins’ approach, and also that of Crenshaw (1991), challenge categorical modes of thinking in which certain loci of identity (and oppression) are granted “primary” status. These theorists instead emphasize that social categories only take on subjective and political meaning in the context of the other categories within which they are nested. Although intersectionality is perhaps most widely used as a theoretical approach for analyzing relations among different forms of oppression, our focus is more intrapsychic in nature, and emphasizes intersectionality’s challenge to the notion of primary sites of identity and selfhood. Contrary to interpretations of transgender experience which emphasize conflicts between an individual’s (true) psychological gender and (discordant) biological sex, the framework of intersectionality calls attention to experiences of multiplicity in gender identification, and how these experiences—embedded within specific social, cultural, and interpersonal contexts—create altogether new, emergent forms of experience and identity. We also find intersectionality relevant to understanding how gender identity and sexual identity interact and co-create one another. Historically, gender and sexual identity have been viewed as orthogonal dimensions, and social scientists have taken pains to emphasize that variability in one dimension does not neatly map onto the other: Being gay/lesbian/bisexual obviously does not mean that one is transgendered (and being heterosexual does not mean that one is not transgendered), just as being transgendered does not mean that one is necessary gay/lesbian/bisexual (Blanchard 1985; Devor 1997). Rather, the linkage between sexual identity and gender identity takes a wide array of forms. But in emphasizing distinctions between gender and sexual identity, social scientists may have given short shrift to the complex processes through which individuals’ experiences of gender and erotic desire mutually influence one another over time. We believe that such intersections and reciprocal influences deserve closer analysis if we are to create developmentally accurate models of gender and sexual identification over the life course. In other words, when examining women with “non-mainstream” gender and sexual identities, we must account for the fact that their attractions and identities are in dynamic interaction with one another, yielding diverse constellations of identity and erotic phenomenology over time. Theories of intersectionality call direct attention to these processes via their emphasis on the ways in which intersections between different identities and social locations give rise to altogether novel forms of subjective experience. To elucidate how the framework of intersectionality helps to interpret complex, multiple, partial experiences of gender, in this article we discuss experiences of gender/ sexual intersectionality as experienced by four women, each of which has been interviewed intensively over the past 10 years in the course of an ongoing longitudinal study of sexual identity development (for the original reports of these data, including details on methodology, see Diamond 1998, 2000, 2005a,b, 2003, 2007, 2008). These four women’s journeys through nonheterosexual sexual identities eventually—and unexpectedly—prompted each of them to explore transgendered identifications. Yet as described in the original report of their experiences (Diamond 2008), none of these women described feeling “trapped” in the “wrong” gender, and none sought to irrevocably replace her female body and identity with a male one. Rather, they all articulated experiences of multiplicity regarding their gender identities, and resisted selecting one form of identity as inherently “primary.” These women’s reflections about their own gender-sexual phenomenology resonate with the challenge that theorists of intersectionality have historically posed to dichotomous, essentialist models of identity and selfhood.

#### Contention 2 is privacy

#### People should not have access to a transgender person’s birth details against the transgender person’s will. This constitutes forced outing, which allows many to become a target for violence and discrimination – it’s a personal choice that privacy rights ought to protect

Anderson 12 [(freelance writer for several years, trans man, fairly active in the trans community) “14 Reasons Why It’s Not Okay to Out Someone as Trans – A Public Service Announcement From Your Friendly, Neighborhood Trans Person” April 18, 2012] AT

I provide these examples here to highlight the threat of violence that trans people face simply for being themselves, and to illustrate that outing someone as trans compromises their safety. Granted, these are high-profile incidents, but don’t think that these are isolated cases. Aggressions against trans people occur at various levels of severity on a fairly regular basis. I know a number of trans men and women who have been harassed and/or physically assaulted by people they had come out to or by people, including complete strangers, who had somehow learned of their trans status. Trust me on this one; you cannot predict how anyone will react to this information, so it’s best not to disclose it. 2. It’s private, medical information Steps that a trans person may take to transition are recognized by the American Medical Association, other health-care organizations, the U.S. Tax Court and by many trans people as medical treatments for the misalignment of their physical sex and gender identity. Information about a trans person’s status and/or transition should therefore be held in confidence just like any other person’s private medical issues and treatments and should not be disclosed. 3. Not all trans people are activists and those who are might not want to be all the time Some trans people don’t mind being in the public eye. Trans people involved in activism may be fully and publicly out as trans, such as community activists and educators Matt Kailey, Jamison Green, Kate Bornstein or Donna Rose. However, not all trans folks want to be involved in activism – they just want to live their lives with a level of anonymity that’s no different from that of non-trans people – and those who are involved as activists might not wish to wear that hat all the time. Maybe in the corner of their world where you happen to be, a trans activist might want to be incognito. It’s best to leave it up to the trans person as to when and where they care to disclose their trans status, if they care to do so at all. 4. Match making or un-making Let’s say that a non-trans person you know has met your trans friend/relative, finds them attractive and would like to get to know them better. Your first knee-jerk reaction might be to inform the individual about the trans status of your friend/relative, but please consider why you might be having that reaction. Perhaps you think that the trans person’s body might not be what the other person expects, but unless you have seen the trans person naked, you do not know what their body looks like, and even if you have, how can you know with certainty that the potential suitor won’t find their body appealing? Or maybe you decide that you will out your trans friend/relative so you can spare them the negative reaction that you’re sure they’ll receive once they disclose their trans status to the interested party. That’s your own opinion, however. In other words, what you might consider to be a deal breaker (i.e. someone’s trans status) might not be an issue for another person. People are rejected in the dating scene for all sorts of reasons and these two potential love birds might not ever make it past the first date for reasons that have nothing to do with the trans status of one of them. Ultimately, whether a trans person and a non-trans person are a match for each other should be left for them to discover. Don’t be a match un-maker by disclosing someone’s trans status. 5. Admirers, chasers and other people attracted to trans folks In point number 4 above, I talk about people who might become attracted to a trans person they have just met but are unaware of their trans status. For the issue I discuss here, I refer to certain people, non-trans men and women, who have a significant attraction to trans people in general. Sometimes these individuals can be easily spotted vying for the attention of (or maybe even harassing or groping) trans people at transgender conferences or at public community functions, and some of them post ads on Craigslist looking for sexual hook ups and/or dates with trans men and women. These particular folks might be classified as “chasers” or “admirers.” While some of them objectify, sexualize and fetishize trans people, some do not. Personally, I sometimes find it hard to tell the difference. (Matt Kailey has written a couple of great posts about people with trans attractions and the fine line between preference versus fetish, where trans people can be either sexualized or considered sexy.) And so if someone tells you that they are attracted to trans people and/or would like to meet a trans person for dating and/or sex, the first response should not be to tell them about any trans people whom you might know personally unless you already know how your trans friends feel about this subject. Although some trans folks are okay with (or even prefer) dating non-trans people with trans attractions, some trans people don’t want anything to do with them, whether those with trans attractions happen to be admirers/chasers or not. Unless you know for sure, it’s best to first ask the trans person(s) in your life whether they would be interested in being introduced to such a person. 6. When trans people don’t look male or female “enough” (to you) If you know a transitioning trans person, the sex they were assigned at birth might be imprinted in your mind, especially if you’ve known them since an early point in their process or before they started transitioning. Consequently, you might not have really noticed their slow physical transformation and/or you might think that despite their physical changes, they don’t really look like their true gender. And so when you introduce the trans person to others, you might think that you have to out them as trans as a way to provide an explanation for their androgynous or gender-variant appearance. You might think that outing them would be helpful, so people don’t get confused. However, you’re making an assumption that everyone else sees the trans person the same way that you do and you might be wrong. You might actually create confusion if you out the trans person to people who already see the trans person as their true self. And even if someone is confused about a trans person’s gender, so what? A person’s confusion should not supersede a trans person’s privacy. Personally, I can’t imagine an individual suffering harm from their confusion over the appearance of someone else, but outing a trans person can be harmful to them, so let the confused person muddle through. More than likely they’ll manage just fine. 7. Because being trans is not necessarily who we are Many trans people simply see themselves as men and women. Being trans is not who they are – being a man or a woman is who they are. The trans piece is a medical condition and not a definition of them as a person, so they shouldn’t be identified by it. 8. Education, enlightenment, diversity training and the “poster child excuse” Very early in my process a (former) friend of mine outed me to her college-aged children without my permission and then tried to justify it by making me the poster boy for her kids’ diversity training. Since then, I have been surprised at the number of people who have wanted to do the same after I have come out to them (but at least they asked me first). So if you have an urge to teach someone about diversity and you want to enlighten and educate them in order to help them be a better citizen and a more accepting human being, and to do it, you are going to tell them all about the trans person you know, stifle that thought. Unless you have asked the trans person involved whether they would mind being the subject of someone’s education on humanity, it would be best to leave the trans person out of the lesson. 9. It doesn’t matter that a trans person is out to some people A trans person you know might seem to be out to a lot of people, and that might lead you to presume that they don’t mind being out as trans, and so that might let you assume that it would be okay to disclose their trans status to someone else, but as with other assumptions, it’s best not to make this one because you might be wrong. 10. Outing a trans person to another trans person On the surface, it might seem okay to tell one trans person about another trans person you know, but that would be another assumption that might be incorrect. Each trans person should be asked whether they wish to be a subject of discussion between you and another trans person or whether they want to be introduced to the other as trans. Believe it or not, some trans folks don’t even want other trans folks to know that they’re trans. 11. Outing a trans person sets them up for discrimination I don’t think that I have to convince anyone reading this blog about the existence of rampant discrimination against trans people in jobs, housing, education, health care, social services, etc. It stands to reason, then, that outing a trans person can set them up for discrimination. I can think of several trans men I know who lost their jobs when their trans status was revealed to the wrong people. Once you release that information, you lose control of it and you can’t track where it goes, which might be to someone who can discriminate against the outed trans person. Keeping their personal information safe and discreet helps the trans people you know avoid becoming the victims of discrimination. 12. Outing a trans person can erase who they are in the eyes of others If you disclose a trans person’s status, you can render them invisible. It’s like magic. One minute, the trans person is no different than any other man or woman, then they’re outed and poof, in the minds of some people, they’re immediately transformed into the gender they were assigned as birth, or they may be seen as a non-person or a fake person or someone who’s trying to fool everyone around them. The trans person’s true self disappears and they become, in the eyes of others, someone who doesn’t even really exist. Speaking from experience, that feels like crap. Please don’t put people in that position by outing them as trans. 13. Disclosing the birth names of trans people This point is a bit different from the others because it’s about outing one thing about a trans person, but it fits into the topic of disclosure. I have decided to add it here because a number of non-trans people over the past few years have nonchalantly disclosed to me the birth names of other trans people that they know. What they likely did not realize was that some trans people fiercely guard the name they were given at birth and would consider its disclosure to be embarrassing, hurtful and/or offensive. For some trans folks, their birth name represents a person who they are not and a period of their life they would like to leave behind them. All that aside, what is the point of revealing a trans person’s birth name anyway? A trans person’s real name is the one they have chosen that matches their gender and true self and that’s the only name that people need to know. Therefore, unless a trans person has specifically and directly asked you to please disperse their birth name about with wild abandon, the polite and respectful thing to do would be to keep it to yourself if you happen to know it. 14. Whose business is it anyway? Ultimately, the bottom line is that a person’s trans status is their personal information, their history, their story, their life, and it’s not anyone else’s place to disclose it.

#### The right to be forgotten protects this privacy, avoiding the possibility for psychic and physical violence

Vidal 14 [(Ava, writer and journalist for the telegraph) “Why transgender people have the right to their past identity being forgotten” Telegraph 27 May 2014] JL (🡨omg)

A trans woman is currently in court fighting a case that if she wins, will have huge implications for the way that transgender people are treated in the UK. The European Court of Justice recently held that a Spanish man was entitled to have items in the search engine ‘Google’ linked to personal data removed at his request. The EU ruled that they must honour the ‘right to be forgotten’. On the back of this decision the woman known only as C has launched her case requesting that the Government (namely the Department for Work and Pensions) no longer retain or use the information that she was once considered male. She claims that her gender reassignment surgery is a private matter and is totally irrelevant to her ability to find work. She is requesting that the details of her previous life including her old name be removed from the records and ‘forgotten'. A growing number of transgender people agree that once they transition they should have the right to completely wipe out their past identity as the opposite sex. Beatrix Grimbly, a trans woman and activist, tells me why. “It's outrageous that sensitive details of a woman's former identity are kept unnecessarily by the DWP, apparently allowing staff to harass and humiliate her when she is already vulnerable. Public servants should respect her legal identity and her privacy." She continues: “While I understand the lawyer's temptation to liken this to the recent case with Google, it seems to me like there are fundamental differences between these cases. "The DWP case is about a right to privacy for trans people in terms of government bodies and bureaucracies holding potentially harmful data. If there is no need for the DWP to keep details of this woman's previous identity on file – which there should not be if her benefit history can be tracked with her National Insurance number – then it really just creates an opportunity for prejudice, particularly in the context of a local Jobcentre." Grimbly explains that once someone has obtained a Gender Recognition Certificate they are considered legally the gender they have transitioned to and their identity is recognised and protected under the Equality Act. "Unless the DWP can show a clear need to retain the old information – which I think is highly unlikely – they should absolutely be made to delete any record of their old identity."¶ MJ Black is a transgender person who is also in receipt of state benefits. He tells me: “I support C's case to have her previous identity 'forgotten' by the system. There is no practical reason for her birth name and previous gender marker to ¶ be used on any documents, even most medical professionals do not need to¶ know her past. As a recipient of benefits myself, I understand some of what¶ C has gone through. In a way I am lucky that I am too ill to work, it means ¶ I don't have to attend a job centre every two weeks, so I very rarely have to face the horrible experiences she goes through." Black explains that in order to change his name with the DWP, he was asked to present his deed poll to the Jobcentre. But the day he arrived was busy and despite asking for a private appointment, he was asked to reveal his name in public with everybody else listening. When he declined to tell them his name – "for someone who is trans their birth name is an incredibly private and intimate detail which a lot of the time causes a strong emotional response" – he believes he was seen as a "nuisance". However, once he was in a private room, he was able to explain his situation and the member of staff was "very professional".¶ "There's a reason trans people call it their 'dead name'. To us, that person ceases to exist, their name is not relevant to the person they are. Once someone has their GRC I find it hard to understand why the previous details are still in existence. The potential to be reminded of a horrible point in your life at any moment, by any one, is always there. Removing the details would minimise the chances of that happening and thus the stress and worry it causes.” I hope that C’s case is successful. Transgender people often face enough humiliation living in a society that doesn’t always understand them. Trans people do not consider the sex they were born with to be the correct one. So why must they be forced to retain an identity that was never theirs to start with? The Gender Recognition Act has to be implemented in a way that is practical and does what it says on the tin. Gender recognition has to mean exactly that irrespective of whether the person is claiming state benefits or not.

#### The involuntary access to transgender people’s former identities renders them a target for murder and abuse

Vidal 13 [(Ava, writer and journalist for the telegraph) “Transgender Day of Remembrance why you yes you need to care” Telegraph 11/20/2013] JL

I understand this point very well and I get very frustrated myself as someone who is black and female. I get tired when our voices are spoken about and spoken for, instead of being given the space to speak for ourselves. The media in this country is still overwhelmingly white, middle class, heterosexual, cisgender (people who have only ever experienced their mental and physical sexes as being aligned at birth i.e. their outwardly apparent sex matches the gender they know themselves to be) and male. A trans voice could and should be heard. It would be easy enough to do, as we heard a male voice alongside mine on the subject of International Men’s Day yesterday.¶ However, I am writing this piece commemorating International Transgender Day of Remembrance (TDoR) and I am addressing it to cisgender people. Statistics show that in total, some 1,374 trans people have been murdered in 60 countries since January 2008. And that's just those that have been reported.¶In the last 12 months alone, there have been 238 reported cases of murdered of trans people, mainly in Brazil, Mexico and the USA. And the majority of trans people who have been murdered are trans women.¶ No trans people have been murdered or driven to commit suicide because of other trans people. In the same way that I don’t need white people coming into the black community and explaining to us how racism works, I don’t need to tell trans people about the challenges they face in life. They live it. They are not the ones that need educating - we are. Paris Lees is a writer and broadcaster. She has reached many milestones in her career being the first out transgender person to appear on the panel of Question Time and also to be a Radio 1 presenter. “There is a huge spectrum of abuse that trans people face,” Paris tells me. "This can be from the more petty comments such as shop assistants sarcastically saying ‘Thank you Madam’ to literally being murdered for being who you are. And this is just the tip of the iceberg. A lot of offences against trans people are not even recorded as hate crimes. For instance, many trans people are driven to suicide. I have been suicidal myself.”¶ There is a lot of transphobia within the feminist movement. I have heard many trying to justify it. There are many arguments claiming that male to female transsexuals have residual male privilege and that undergoing gender reassignment surgery doesn’t make you a woman. ‘Real’ women have periods and can give birth to babies. Really? Because I know a fair few cisgender women that that doesn’t happen for.¶ I am tired of these women’s voices being amplified above all others and dictating to us their definition of what it means to be female and expecting the rest of us to nod along in agreement. The feminist movement will be strengthened if we embrace the diversity within it, not weakened. I agree with the points made by the fabulous Dr Brooke Magnanti in this blog, where she argues that two 'feminist' writers (one being Julie Burchill, pictured below) need to update their thinking about what it is to be a woman.¶ Julie Burchill needs to update her thinking from that of the 1970s and accept that there are new sheriffs in town. Jael started the first group exclusively for black transgender people called T-House. She currently runs and self funds Zambarau, a Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) group for those of African descent. She tells me that she would rather dispense with labels altogether but acknowledges that we are not there yet. “I am a black woman. Simple as that. If I am asked if I am trans then I will admit it as I am not ashamed. My blackness is more important to me than me being trans. I know that this annoys some of my trans friends but it’s the truth. People don’t always know that I am trans but they always know that I am black.”¶ When I ask Jael what she thinks about transphobia within the feminist movement, she sighs. “I don’t care about them. I am just trying to be me. These [radical feminists] are not the main problem. They don't deserve the publicity.”¶ Faizan has been living in Pakistan for several years. He blogs here and tells me: “Trans people have enough struggle in their lives just coming to accept themselves without wasting time and energy on people who oppose their very existence. I really don't understand how these people don't have better things to do with their time. I hold that view for racists too.¶ "Simply accessing the proper medical treatment can be a minefield in itself for trans people. The NHS can be a difficult system to navigate - it requires time and effort. Trans people can't afford to spend their time defending themselves from bigots. We could be having more interesting and complex conversations within our communities, rather than spending resources on counter arguments against so-called 'radical femininsts'."¶ Fiazan explained that he has witnessed bigotry and violence from all sides. He finds himself compartmentalising a lot of things as he feels he cannot be completely himself with anyone. Being a female that is transitioning to male, he has also had other things to take into account. He is now a male person of colour, which is not always the best thing to be. He describes himself as looking like a teenage boy at the moment. He has to contend with being stopped and searched. He has also realised that when debating he has had to change his responses depending on who he is talking to. Some men will not hit women but they have no qualms about hitting another man.¶ Both Fiazan and Jael are both fed up of the erasing from history the contributions that transgender people of colour like Marsha P Johnson have made. Transgender people of colour started the Stonewall Riots in New York yet this is not recorded in many accounts of the event. Jael said that while yes, there are problems in the black community, it is not exclusively a black problem and the suggestions that it is are ridiculous. Transgender people face discrimination from everybody.¶ Paul Lucas, a New York theatre producer who’s had a number of projects in London as well tries to address this problem in his latest work.Donning his playwright hat, he is developing a new verbatim theatre piece on transgender identity entitled Trans Scripts. It is based on over 60 interviews he did with trans men and women throughout the world. Although the material is edited and interwoven, all of the stories are true and told using the actual interviewees own words. Paul is committed to giving voice to what he calls “the silent T” in LGBT, those who were at the center of New York’s Stonewall Riots, but who have yet to enjoy the acceptance and visibility of many lesbians and gay men.¶ Jael tells me: “We have to go to special clinics where we are examined and tested. We have to go through so many different assessments just to prove who we are. Who else has to do that?”¶ Nobody. And nobody deserves to. So fellow cis people, the next time that you laugh, stare, point, make inappropriate jokes, sarcastic or abusive comments remember that 238 trans people were murdered this year alone. Also remember the people that have developed agoraphobia, too afraid to come out of their houses lest they be confronted by one of us that refuses to recognise their humanity. Remember people like Lucy Meadows that were driven to suicide because we did not allow her to live the life that she deserved, one free of harassment and doing a job that she enjoyed.¶ I have been guilty of making stupid jokes in the past when I was too ignorant to understand the full weight behind my words of which I am deeply ashamed. Don’t sit and allow others to abuse trans people either. Challenge them. You don't have to be personally responsible for anyone's death, being complicit by remaining silent is bad enough. Be better. Do better. We can’t bring back the trans people that have lost their lives but we can stop the body count increasing.

### Plan text

#### Thus the plan text: the right to be forgotten from internet searches ought to be recognized as a civil right when there is a mismatch between the gender identity a person currently wishes to convey and the gender identity conveyed by old information.

Webb 14 [(sam, journalist) “Transgender woman in landmark legal battle to force government to 'forget' her identity as a man before sex change” Daily mail May 20] AT

A person who has undergone a sex change is fighting a legal battle for the right to have her previous identity as a man officially 'forgotten'. The case of C, who cannot be identified for legal reasons, is being seen as a landmark case concerning the rights of transgender persons across the UK. The 44-year-old, from the Greater London area, is challenging the legality of the Government’s retention and use of personal information which reveals she was once male. Her case centres on the data held on her by the Department for Work and Pensions (DWP) as a long-term unemployed person in receipt of jobseeker’s allowance. She says, because details of her transgender status have become known to DWP personnel, she has experienced 'intrusive and humiliating interactions' on visits to her local Jobcentre Plus on a fortnightly basis. Claire McCann, representing C, told a judge at London’s High Court: 'She says her previous gender identity as male should be forgotten, except where it is strictly necessary. 'The right to be treated as a woman and not as transgender is important and deserving respect.' Ms McCann referred to a ruling won by a Spanish man in the European Union Court of Justice against Google that he had a 'right to be forgotten' and 'irrelevant' and outdated data about him held by the search engine should be erased at his request. Ms McCann said of C’s case: 'This case far more acutely concerns the right to be forgotten.' C considered her gender reassignment 'an intensely private matter' and 'wholly irrelevant' to her attempts to find work. Ms McCann said C had obtained a full gender recognition certificate (GRC) under the 2004 Gender Recognition Act after many years of struggle involving 'numerous procedures and at great physical and emotional cost'. Now that transgender persons, in the UK at least, had full recognition in law it was 'fundamental that this recognition should be fully realised, practically and effectively'. But the DWP was retaining her gender change data on its Customer Information System (CIS) and Jobseekers’ Allowance Payment System, including her previous male name. The DWP automatically processed the records of transgender customers as 'special customer records' and applied a 'sensitive account' marker to keep details confidential, but this failed to give sufficient protection, argued Ms McCann. C’s details had become known to DWP staff who lived within her locality. At the same time the extra layers of security were leading to her receiving a poor service, including late payments of benefits. Ms McCann argued the intrusive, unnecessary and indefinite retention of C’s details by the DWP was in breach of her human rights, as well as data protection and anti-discrimination legislation. Lawyers for the DWP argue its policies are not discriminatory or intrusive but carefully balance the need to give effect to C’s legal rights while the department carries out its functions. They also argue Parliament expressly contemplated the data would be held by social security and pension systems, and there was no requirement to 'rewrite history' and delete information that recorded a person’s previously held gender.

#### Contention 3 is solvency

#### The plan balances the freedom of speech and solves court complexities

Andrade 12 [Norberto Nuno Gomes de Andrade, Scientific Officer in the Information Society Unit of the European Commission’s Institute for Prospective Technological Studies – Joint Research Center. “Oblivion: The Right to Be Different … from Oneself Reproposing the Right to Be Forgotten,” International Conference on Internet, Law & Politics.] **AZ**

The right to be forgotten should be associated to the right to identity to avoid the application of the “household exemption” or the freedom of expression safeguard. This would enable the possibility to request deletion of personal information posted on the Internet, either processed for purely personal purposes (not going beyond the number of self- selected contacts), or information posted to the public and accessible to an indefinite number of people. Regarding information disclosed to the public, the right to oblivion framed along the lines of the right to identity would be a stronger justification for balancing it with the right to freedom of expression, so avoiding the infallible prevalence of the latter. The criteria for applying the right to be forgotten would concern the occurrence of an incorrect representation of one’s identity, that is, the verification of a mismatch between the identity conveyed by outdated information and the one the individual now wishes to convey. To sum up, the right to oblivion could then be applied regardless if the information in question had been uploaded for domestic purposes or not, or if the information was accessible to an indefinite number of people or not. This paradigmatic shift from a privacy to an identity rationale would render the household exemption (and all the current complexities surrounding it) inapplicable to the right to be forgotten. It would also endow the right to oblivion with a stronger justification for balancing and articulation with the right to freedom of expression, questioning its infallible prevalence.

#### The right to be forgotten helps remove information from search media and solves

Hoboken 13 [(Dr. JVJ VAN, Microsoft Research Fellow in the Information Law Institute at New York University) “The Proposed Right to be Forgotten Seen from the Perspective of Our Right to Remember” Prepared for the European Commission by dr. Joris van Hoboken Amsterdam, May 2013] AT

Second, and in the last decade, there has been discussion about a broader right to be forgotten in reaction to new forms of publicity and access to information facilitated by the Internet. There is a general unease that the Internet never forgets; the underlying idea and assumption being that the default has shifted from ‘forgetting’ to ‘remembering’.10 Put differently, the right to be forgotten in these discussions can be understood as a proposal to deal with new forms of publicity (or public accessibility) over time facilitated by the Internet and the Web. Thus, it can be seen as a proposal to broaden the existing right to be forgotten in media law discussed above to other practices of making information about people publicly available. The Internet and the World Wide Web have broadened the group of individuals and organizations that can publish information and ideas.11 It has also given rise to new services that contribute to the public information environment and facilitate access to information and ideas and provide platforms for socialization, discussion and debate. Search engines have a particular role in these discussions of course, since they help users to retrieve information about individuals posted online, regardless whether it is still relevant, correct, or favorable for the particular individuals involved. It is well- understood that indexation of the online environment by search media can adversely affect people’s privacy or reputation, but typically search media are not considered liable for the content of others on the basis of specific exceptions (or safe harbors) at the European and national level.12 Social media and other platforms facilitating online interaction between people, such as news groups, discussion forums and comment sections also play an important role in these discussions.13 Interactions on social media often take place in public or semi-public places that do not effectively restrict the further proliferation and future findability of the information involved. While the sentiment that the internet never forgets is widespread, it is indeed a ‘sentiment’, and in general quite incorrect. There may be some cases of publicity about people that will indeed never be forgotten and of course, it may be true that for all of us there is something that remains online. The best examples of the things that will never be forgotten are of course the memes relating to natural persons such as the ‘Star Wars Kid’ or the ‘Dog Poop Girl’, or to public figure that experience the so- called Streisand Effect,14 a good example of which is the ‘Max Mosley’ case.15 These cases are remarkable but rare, however, and the Streisand Effect demonstrates that it is questionable how much the law can do to prevent them.

### Framing Contention

#### Contention 4 is framing

#### Social injustice is the root of mass-scale violence – it primes society for external violence

Scheper-Hughes 4 (Prof of Anthropology @ Cal-Berkely; Prof of Anthropology @ UPenn) (Nancy and Philippe, Introduction: Making Sense of Violence, in Violence in War and Peace, pg. 19-22)

This large and at first sight “messy” Part VII is central to this anthology’s thesis. It encompasses everything from the routinized, bureaucratized, and utterly banal violence of children dying of hunger and maternal despair in Northeast Brazil (Scheper-Hughes, Chapter 33) to elderly African Americans dying of heat stroke in Mayor Daly’s version of US apartheid in Chicago’s South Side (Klinenberg, Chapter 38) to the racialized class hatred expressed by British Victorians in their olfactory disgust of the “smelly” working classes (Orwell, Chapter 36). In these readings violence is located in the symbolic and social structures that overdetermine and allow the criminalized drug addictions, interpersonal bloodshed, and racially patterned incarcerations that characterize the US “inner city” to be normalized (Bourgois, Chapter 37 and Wacquant, Chapter 39). Violence also takes the form of class, racial, political self-hatred and adolescent self-destruction (Quesada, Chapter 35), as well as of useless (i.e. preventable), rawly embodied physical suffering, and death (Farmer, Chapter 34). Absolutely central to our approach is a blurring of categories and distinctions between wartime and peacetime violence. Close attention to the “little” violences produced in the structures, habituses, and mentalites of everyday life shifts our attention to pathologies of class, race, and gender inequalities. More important, it interrupts the voyeuristic tendencies of “violence studies” that risk publicly humiliating the powerless who are often forced into complicity with social and individual pathologies of power because suffering is often a solvent of human integrity and dignity. Thus, in this anthology we are positing a violence continuum comprised of a multitude of “small wars and invisible genocides” (see also Scheper- Hughes 1996; 1997; 2000b) conducted in the normative social spaces of public schools, clinics, emergency rooms, hospital wards, nursing homes, courtrooms, public registry offices, prisons, detention centers, and public morgues. The violence continuum also refers to the ease with which humans are capable of reducing the socially vulnerable into expendable nonpersons and assuming the license - even the duty - to kill, maim, or soul-murder. We realize that in referring to a violence and a genocide continuum we are flying in the face of a tradition of genocide studies that argues for the absolute uniqueness of the Jewish Holocaust and for vigilance with respect to restricted purist use of the term genocide itself (see Kuper 1985; Chaulk 1999; Fein 1990; Chorbajian 1999). But we hold an opposing and alternative view that, to the contrary, it is absolutely necessary to make just such existential leaps in purposefully linking violent acts in normal times to those of abnormal times. Hence the title of our volume: Violence in War and in Peace. If (as we concede) there is a moral risk in overextending the concept of “genocide” into spaces and corners of everyday life where we might not ordinarily think to find it (and there is), an even greater risk lies in failing to sensitize ourselves, in misrecognizing protogenocidal practices and sentiments daily enacted as normative behavior by “ordinary” good-enough citizens. Peacetime crimes, such as prison construction sold as economic development to impoverished communities in the mountains and deserts of California, or the evolution of the criminal industrial complex into the latest peculiar institution for managing race relations in the United States (Waquant, Chapter 39), constitute the “small wars and invisible genocides” to which we refer. This applies to African American and Latino youth mortality statistics in Oakland, California, Baltimore, Washington DC, and New York City. These are “invisible” genocides not because they are secreted away or hidden from view, but quite the opposite. As Wittgenstein observed, the things that are hardest to perceive are those which are right before our eyes and therefore taken for granted. In this regard, Bourdieu’s partial and unfinished theory of violence (see Chapters 32 and 42) as well as his concept of misrecognition is crucial to our task. By including the normative everyday forms of violence hidden in the minutiae of “normal” social practices - in the architecture of homes, in gender relations, in communal work, in the exchange of gifts, and so forth - Bourdieu forces us to reconsider the broader meanings and status of violence, especially the links between the violence of everyday life and explicit political terror and state repression, Similarly, Basaglia’s notion of “peacetime crimes” - crimini di pace - imagines a direct relationship between wartime and peacetime violence. Peacetime crimes suggests the possibility that war crimes are merely ordinary, everyday crimes of public consent applied systematically and dramatically in the extreme context of war. Consider the parallel uses of rape during peacetime and wartime, or the family resemblances between the legalized violence of US immigration and naturalization border raids on “illegal aliens” versus the US government- engineered genocide in 1938, known as the Cherokee “Trail of Tears.” Peacetime crimes suggests that everyday forms of state violence make a certain kind of domestic peace possible. Internal “stability” is purchased with the currency of peacetime crimes, many of which take the form of professionally applied “strangle-holds.” Everyday forms of state violence during peacetime make a certain kind of domestic “peace” possible. It is an easy-to-identify peacetime crime that is usually maintained as a public secret by the government and by a scared or apathetic populace. Most subtly, but no less politically or structurally, the phenomenal growth in the United States of a new military, postindustrial prison industrial complex has taken place in the absence of broad-based opposition, let alone collective acts of civil disobedience. The public consensus is based primarily on a new mobilization of an old fear of the mob, the mugger, the rapist, the Black man, theundeserving poor. How many public executions of mentally deficient prisoners in the United States are needed to make life feel more secure for the affluent? What can it possibly mean when incarceration becomes the “normative” socializing experience for ethnic minority youth in a society, i.e., over 33 percent of young African American men (Prison Watch 2002). In the end it is essential that we recognize the existence of a genocidal capacity among otherwise good-enough humans and that we need to exercise a defensive hypervigilance to the less dramatic, permitted, and even rewarded everyday acts of violence that render participation in genocidal acts and policies possible (under adverse political or economic conditions), perhaps more easily than we would like to recognize. Under the violence continuum we include, therefore, all expressions of radical social exclusion, dehumanization, depersonalization, pseudospeciation, and reification which normalize atrocious behavior and violence toward others. A constant self-mobilization for alarm, a state of constant hyperarousal is, perhaps, a reasonable response to Benjamin’s view of late modern history as a chronic “state of emergency” (Taussig, Chapter 31). We are trying to recover here the classic anagogic thinking that enabled Erving Goffman, Jules Henry, C. Wright Mills, and Franco Basaglia among other mid-twentieth-century radically critical thinkers, to perceive the symbolic and structural relations, i.e., between inmates and patients, between concentration camps, prisons, mental hospitals, nursing homes, and other “total institutions.” Making that decisive move to recognize the continuum of violence allows us to see the capacity and the willingness - if not enthusiasm - of ordinary people, the practical technicians of the social consensus, to enforce genocidal-like crimes against categories of rubbish people. There is no primary impulse out of which mass violence and genocide areborn, it is ingrained in the common sense of everyday social life. The mad, the differently abled, the mentally vulnerable have often fallen into this category of the unworthy living, as have the very old and infirm, the sick-poor, and, of course, the despised racial, religious, sexual, and ethnic groups of the moment. Erik Erikson referred to “pseudo- speciation” as the human tendency to classify some individuals or social groups as less than fully human a prerequisite to genocide and one that is carefully honed during the unremarkable peacetimes that precede the sudden, “seemingly unintelligible” outbreaks of mass violence. Collective denial and misrecognition are prerequisites for mass violence and genocide. But so are formal bureaucratic structures and professional roles. The practical technicians of everyday violence in the backlands of Northeast Brazil (Scheper-Hughes, Chapter 33), for example, include the clinic doctors who prescribe powerful tranquilizers to fretful and frightfully hungry babies, the Catholic priests who celebrate the death of “angel-babies,” and the municipal bureaucrats who dispense free baby coffins but no food to hungry families. Everyday violence encompasses the implicit, legitimate, and routinized forms of violence inherent in particular social, economic, and political formations. It is close to what Bourdieu (1977, 1996) means by “symbolic violence,” the violence that is often “nus-recognized” for something else, usually something good. Everyday violence is similar to what Taussig (1989) calls “terror as usual.” All these terms are meant to reveal a public secret - the hidden links between violence in war and violence in peace, and between war crimes and “peace-time crimes.” Bourdieu (1977) finds domination and violence in the least likely places - in courtship and marriage, in the exchange of gifts, in systems of classification, in style, art, and culinary taste- the various uses of culture. Violence, Bourdieu insists, is everywhere in social practice. It is misrecognized because its very everydayness and its familiarity render it invisible. Lacan identifies “rneconnaissance” as the prerequisite of the social. The exploitation of bachelor sons, robbing them of autonomy, independence, and progeny, within the structures of family farming in the European countryside that Bourdieu escaped is a case in point (Bourdieu, Chapter 42; see also Scheper-Hughes, 2000b; Favret-Saada, 1989). Following Gramsci, Foucault, Sartre, Arendt, and other modern theorists of power-vio- lence, Bourdieu treats direct aggression and physical violence as a crude, uneconomical mode of domination; it is less efficient and, according to Arendt (1969), it is certainly less legitimate. While power and symbolic domination are not to be equated with violence - and Arendt argues persuasively that violence is to be understood as a failure of power - violence, as we are presenting it here, is more than simply the expression of illegitimate physical force against a person or group of persons. Rather, we need to understand violence as encompassing all forms of “controlling processes” (Nader 1997b) that assault basic human freedoms and individual or collective survival. Our task is to recognize these gray zones of violence which are, by definition, not obvious. Once again, the point of bringing into the discourses on genocide everyday, normative experiences of reification, depersonalization, institutional confinement, and acceptable death is to help answer the question: What makes mass violence and genocide possible? In this volume we are suggesting that mass violence is part of a continuum, and that it is socially incremental and often experienced by perpetrators, collaborators, bystanders - and even by victims themselves - as expected, routine, even justified. The preparations for mass killing can be found in social sentiments and institutions from the family, to schools, churches, hospitals, and the military. They harbor the early “warning signs” (Charney 1991), the “priming” (as Hinton, ed., 2002 calls it), or the “genocidal continuum” (as we call it) that push social consensus toward devaluing certain forms of human life and lifeways from the refusal of social support and humane care to vulnerable “social parasites” (the nursing home elderly, “welfare queens,” undocumented immigrants, drug addicts) to the militarization of everyday life (super-maximum-security prisons, capital punishment; the technologies of heightened personal security, including the house gun and gated communities; and reversed feelings of victimization).

#### Evaluate probability first – “1% doctrine” kills decisionmaking since any action has some risk, so avoiding risk freezes action and prevents change. Their risks are constructed to preserve the status quo – it’s the same strategy used to block the civil rights movement, arguing that change would be risky

#### We should use the academic setting to challenge the heteronormative structures that pervade society.

Elias 3 (John Elias, Professor at San Francisco University, Journal of Homosexuality, Vol. 45, no. 2/3/4, p. 64, 2003)

Akin to organized religion and the biomedical field, the educational system has been a major offender. Wedded to disseminating the idea that heterosexuality is the ultimate and best form of sexuality, “Schools have maintained, by social custom and with reinforcement from the law, the promotion of the heterosexual family as predominant, and therefore the essence of normal. From having been presumed to be ‘normal,’ heterosexual behavior has gained status as the right, good, and ideal lifestyle” (Leck, 1999, p. 259). School culture in general is fraught with heteronormativity. Our society has long viewed queer sexualities as “. . . deviant, sinful, or both, and our schools are populated by adolescent peers and adult educators who share these heterosexual values” (Ginsberg, 1999, p. 55). Simply put, heteronormativity and sexual prejudice pervade the curriculum at the elementary, secondary, and post-secondary levels (for examples of this and ways of intervening, see: Adams, Bell, & Griffin, 1997; Letts & Sears, 1999; Lovaas, Baroudi, & Collins, 2002; Yep, 2002). Besides the hegemonic hold schools have had regarding a heterosexual bias, school culture continues to devote much energy to maintaining “. . . the status quo of our dominant social institutions, which are hierarchical, authoritarian, and unequal, competitive, racist, sexist, and homophobic” (Arnstine, 1995, p. 183). While there has been modest success in addressing various forms of prejudice in schools (Kumashiro, 2001), what is sorely lacking is serious attention to how the intersections of race, class, sexuality and gender are interwoven and dialectically create prejudice (e.g., racism, classism, and hetero[sexism]). Schools would be an ideal site to interrogate, and begin to erode, the kind of hegemony upon which heterosexism rests and is supported. To date, not much is being done in a systematic fashion to disrupt the ways in which U.S. schooling has perpetuated such hierarchies. It seems to me that sexuality education is ripe for the opportunity to challenge heterosexism in school culture; however, public school-based sexuality education is presently in serious crisis, as it has turned mostly to the business of pushing for abstinence- only sexuality education. According to federal legislation, states that accept funding for this form of sexuality education require that young people are taught to abstain from sexual activity until they get married. This has numerous implications for relationship construction; a more in-depth description and analysis of this form of sexuality education will follow later in this essay.

#### Engaging politics in educational spaces is key to civic activism, decision-making, and agency – this is most relevant to our lives.

Giroux 03 [Henry Giroux (Chair Professorship of Edcuation and Cultural Studies at Penn State). “The Abandoned Generation: Democracy Beyond the Culture of Fear.” Chapter 14: THE URBAN DEBATE LEAGUE AND THE POLITICS OF POSSIBILITY. Palgrave Macmillan, 2003] AJ

Educators at all levels need to challenge the assumption that politics is dead, or the nature of politics will be determined exclusively by government leaders and experts in the heat of moral frenzy. Educators need to take a more critical position, arguing that knowledge, debate, and dialogue about pressing social problems offer individuals and groups some hope in shaping the conditions that bear down on their lives. Public civic engagement is essential if the concepts of social life and the public sphere are to be used to revitalize the language of civic education and democratization as part of a broader discourse of political agency and critical citizenship in a global world. Linking the social to democratic public values represents an attempt, however incomplete, to link democracy to public action, as part of a comprehensive attempt to revitalize civic activism and citizen access to decision-making while simultaneously addressing basic problems of social justice and global democracy. Educators within public schools need to find ways to engage political issues by making social problems visible and by debating them in the political sphere. They also need to be at the forefront of the defense of the most progressive historical advances and gains of the state. French sociologist Pierre Bourdieu is right when he calls for collective work by educators to prevent those who are mobilized against the welfare state from destroying the most precious democratic conquests in labor legislation, health, social protection, and education.9 At the very least, this would suggest that educators should defend schools as democratic public spheres, struggle against the de-skilling of teachers and students that has accompanied the emphasis on teaching for test-taking, and argue for pedagogy grounded in democratic values rather than testing schemes that severely limit the creative, ethical, and liberatory potential of education. Urban Debate Leagues represent one reason for hope.

## Case frontlines

### Inherency

#### This right isn’t recognized in the status quo, even among countries that have a right to be forgotten

Kang 14 [(Andy Kang, Trans Issues Intern) “UK trans woman calls for government to no longer retain information about her assigned sex at birth” GLAAD may 29] AT

DWP lawyers argue its policies are not discriminatory and carefully balance the need to give effect to C's legal rights while carrying out the department's functions. They also argue that there is no requirement to delete information that records a person's previously held gender. The National Center for Transgender Equality in the United States recognizes a few of the innumerable needs for identification documents, such as travelling, opening bank accounts, starting new jobs, purchasing alcohol, etc. While legal progress has been made to remove burdensome requirements, historically, state and federal governments have imposed intrusive requirements, such as proof of surgery and court orders, that have made it impossible for many trans people to obtain consistent and accurate ID. And inconsistencies in gender data between records can cause various governmental agencies and administrations, such as the Social Security Administration, to out individuals. The Telegraph reporter Ava Vidal says: Transgender people often face enough humiliation living in a society that does not always understand them. Trans people do not consider the sex they were born with to be the correct one. So why must they be forced to retain an identity that was never theirs to start with?

### A2 Objectivity

#### No objectivity now—a) search engines/Internet companies accountability low and b) collective memory outweighed by individual identity

Andrade 12 [Norberto Nuno Gomes de Andrade, Scientific Officer in the Information Society Unit of the European Commission’s Institute for Prospective Technological Studies – Joint Research Center. “Oblivion: The Right to Be Different … from Oneself Reproposing the Right to Be Forgotten,” International Conference on Internet, Law & Politics.] **AZ**

Another argument used by preservationists is the one of objectivity. In the judicial dispute between the Spanish Data Protection Authority and Google, as described previously, the search engine refused to remove the links claiming that, if done systematically, this would compromise the objectivity of the Internet and the transparency of the search engine. Internet users would be able to remove factual information from the Internet, thereby altering the list of results provided by search engines, rendering them imprecise and incomplete. The right to be forgotten as an attempt to manipulate some kind of Internet objectivity or collective society memory is a somewhat unconvincing argument, if not unfounded. First, the notion of objectivity is rather controversial coming from a search engine that organizes its search listings through enigmatic and non-transparent algorithms. Second, it seems unbalanced to deny the individual the right to erase personal information that is, among other criteria discussed below, not newsworthy or of historical relevance, only for the sake of sustaining a supposedly collective memory.38 In view of this, I believe there is an overstretched emphasis on an unsounded collective interest to the detriment of a needed individual interest, such as the right to be different from who one was before.

#### I question the possibility of objectivity anyway—personal identity is a fluid process

### A2 Difference is static

#### Sexual difference is a not foundational—most species and human cells are intersex

Hird 4 [Myra J. Hird Queen’s University, Belfast, Feminist Theory, 2004, vol. 5(1): 85–89, 1464–7001]

Non-linear biology provides a wealth of evidence to confound static notions of sexual difference.1 Human bodies, like those of other living organisms, are only ‘sexed’ from a particularly narrow perspective. The vast majority of cells in human bodies are intersex (and this category itself is only possible by maintaining a division between ‘female’ and ‘male’ chromosomes), with only egg and sperm cells counting as sexually dimorphic. Most of the reproduction that we undertake in our lifetimes has nothing to do with ‘sex’. The cells in our bodies engage in constant, energetic reproduction in the form of recombination (cutting and patching of DNA strands), merging (fertilization of cells), meiosis (cell division by halving chromosome number, for instance in making sperm and eggs), and mitosis (cell division with maintenance of cell number). Nor does reproduction take place between discrete ‘selves’, as many cultural analyses would have it. Indeed, only by taking our skin as a definitive impenetrable boundary are we able to see our bodies as discrete selves.2 Our human bodies are more accurately ‘built from a mass of interacting selves . . . the self is not only corporeal but corporate’ (Sagan, 1992: 370). Our cells also provide asylum for a variety of bacteria, viruses and countless genetic fragments. And none of this reproduction requires any bodily contact with another human being. Moreover, there is no linear relationship between sexual dimorphism and sexual reproduction. Male sea horses, pipe fish and hares get pregnant. Many species are male and female simultaneously, or sequentially. Many types of fish change sex back and forth depending on environmental conditions (see Rothblatt, 1995).

### Fluid Identity > outing

#### Regardless of its effect on others’ perceptions of privacy, the right still endorses a fluid conception of identity, allowing individuals to shape their online selves in an act of identity creation, challenging social conceptions of static identity.

#### Challenging social norms outweighs individuals discovering transgender identity:

#### 1. Ideologies come first – they insulate the system from efforts to resist it – the overarching structure of fixed gender identity is more important than individual actions.

Reid-Brinkley 08 (Shanara Rose Reid-Brinkley, Assistant Professor of African American Studies and Communications as well as the Director of Debate at the University of Pittsburgh, “The Harsh Realities Of “Acting Black”: How African-American Policy Debaters Negotiate Representation Through Racial Performance And Style,” 2008]

To begin an investigation of these questions of race, representation and performance, I utilize ideological criticism as a rhetorical method. This project is interested in the ideological discourses and representations of race, class, gender, and sexuality within the public conversation about race and education. The dominant narratives, bred within institutional structures, must be interrogated for processes of normalization implicated in the success and achievement of black students in American society. In other words, an ideological analysis provides us with an opportunity to critically analyze the networks of power through which ideologies flow and gain discursive and representative dominance. The Marxist conception of ideology, reformulated and popularized by Louis Althusser, revolves around the assumption that social bodies are trapped within a “false consciousness” that blinds them to the truth. Althusser argues that “ideology represents the imaginary relationship of individuals to their real conditions of existence.” 66 Such a conception of ideology was necessary to explain why the working class did not rise up against the ruling class. Such ideologies were theorized as part of the superstructure resulting in the limited ability of subjects to exercise agency. For Althusser, dominant ideologies allowed the social structure to reproduce itself without ensuing conflict. Ideology functioned to naturalize the dominant structure encouraging individuals to participate by engaging in practices and behaviors designed to maintain that system. More importantly, ideologies were thought to construct an imaginary reality by which social beings became dependent on the structure as it functions, in order to make sense of their very lives. In essence, ideology was considered to be deterministic, binding individuals to the imaginary reality. However, current scholarship has been expressly critical of such a conceptualization of ideology, particularly, within the field of cultural studies, as it made the critical turn away from the study of dominant ideology and toward the cultural and everyday practices by which subjects engage ideological domination. Noted theorists, including Michel Foucault, Raymond Williams, and Stuart Hall have offered significant critiques of such a view of the relations of power in social system. One criticism of this version of ideology is that it assumes there is a truth, somewhere out there, that we are unable to ascertain because of the false consciousness produced through ideological discourses. 67 Second, as Foucault argues, “ideology stands in a secondary position relative to something which functions as its infrastructure, as its material, economic determinant, etc.” 68 In other words, ideology is defined as a result of economic structures. Thus, the economic structures are pre-existent and thus, uninfluenced by ideology, but simply productive of it. And, third, if the individual or the subject is not critical to the development of such ideological structures, but are instead determined by them, then social subjects become agent-less. They become simply social beings produced by the superstructure. Despite significant criticism of the concept of ideology, it remains significantly useful in the study of social domination. We can agree that there is not some true expression of reality out there that we are somehow blinded from seeing. We can agree that ideology is both produced by and produces economic and social structures. And, we can agree that social actors and their actions are not determined by ideology as much as social actors are strongly influenced toward accepting those ideologies as within their best interest, an internalization of ideological discourse as inscribed through various apparatuses of power. Yet, as media and communications scholar Nicolas Garnham cautions, the focus on resistance in cultural studies can prevent us from studying the manner in which dominance is maintained, both through structure and discourse. 69 He notes that it is the responsibility of intellectuals to map out structural and social dominance. Social actors participate in the production and maintenance of culture, both dominant and subordinate. In any given situation, both dominance and resistance are likely to be active in varying degrees. Thus, this project is not simply interested in the study of the production and maintenance of dominant ideologies; simultaneously, we must look to the manner in which social actors engage in resistance efforts within and through such dominant ideologies. Contemporary racism is reproduced and maintained through discursive constructions that are circulated through ideologies. Ideologies help to make stereotypical representations intelligible to an audience. As long as racism remains a social phenomenon in our society, racial ideologies will likely remain a critical tool by which racial difference is signified. All racial ideologies do not function the same way; they are often complicated by intersections of class, gender, sexuality and context. And, as ideologies often function to dominate, they also create circumstances for resistance. This project seeks to engage both dominance and resistance; how racial ideologies reproduce social dominance, and how those affected by that dominance attempt to resist it. The rhetoric surrounding race and education offers one space from which to analyze the social reproduction of racial dominance. Looking to specific contexts through which we analyze the significance of racial ideologies allows us as scholars to map out the forces of power active through racial difference. Specifically, a rhetorical focus can map the public discursive maneuvers that (re)produce and resist these social ideologies. The rhetoric surrounding race, culture, and performance within educational discourse is of critical importance to the future course of educational opportunity in American society. We must understand the strategies of signification that are most persuasive and powerful to the general public audience. What representations of racial others are most intelligible to the public and how might racial others respond to that intelligibility? As our previous discussion of the “acting white” thesis and the rise of cultural explanations of racial difference indicate, contemporary ideological representations of race have changed and in some ways remained the same. We must interrogate the use of ideological representations of race, gender, class, and sexuality as rhetorical strategy in public deliberations. And, it is important to read the social actors involved and watching as embodied.

#### 2. Scope – this necessarily affects all transgender people, who by definition are affected by the existence of fixed ideas of gender; whereas violence only occurs for relatively few individuals

#### 3. affirming fluid identity legitimizes transgender experience, which fosters greater social inclusion across all of society – that allows violence to be lessened in the long-term on a much larger scale, so I control the stronger link to the violence impact

#### 4. Fluid gender allows for self-creation, affirming freedom from constricting social norms that improves overall quality of life, preventing powerful feelings of exclusion – this psychic violence is just as harmful as physical violence and I solve it on a larger scale.

### A2 Solvency Turns overview

#### Their solvency turns are non-unique – the information already is available now, which causes forced outing – publicizing that information wouldn’t increase the amount of forced outings since more publicity doesn’t mean more individuals outed.

### A2 Streisand Effect

#### 1. Extend Hoboken – the idea that the internet always remembers is false – the Streisand effect is rare and only applies to a few individuals.

#### 2. Obviously, news media can’t publish an article on every single takedown request – the overwhelming majority of requests won’t have attention to them.

#### 3. Reject their evidence – it’s just speculation by random unqualified authors based on only a few instances of actual Streisand effects – lack of empirical study means this is much less likely than the right actually working

#### 4. Empirical evidence confirms

Cowls 14 [(Josh, Researcher at the Oxford Internet Institute studying the transformative impact of new data sources and tools in academia, government and the third sector) “STREISANDFREUDE: HOW THE RIGHT TO BE FORGOTTEN MAY BECOME AN EXCUSE TO BE REMEMBERED” July 14] AT

Crucially, this is in no way a random or systematic sample of removals: the original seven cases com from the Hidden from Google service, which only includes instances where removal has been verified (and publicised) by the outlet affected. As posited earlier, it is more likely the tip of an iceberg: many removals have probably proceeded un-remarked-upon; the volume of ‘unknown unknowns’ is probably much greater than that of ‘known unknowns’ (or strictly speaking ‘known unseens’.) This analysis only posits the existence of a Streisand effect, not the generalisability of one.

#### 5. Their evidence no longer applies.

Finley 14 [(Klint, covers current and future trends in technology, and how they are shaping business, entertainment, communications, science) “EU Rules That Google Must Honor Your ‘Right to be Forgotten’” Wired 05.13] AT

This interpretation of the law could create serious issues when it comes to enforcing the new ruling. First of all, there’s the “Streisand Effect”–the idea that trying to have information removed from the internet backfires by drawing attention to that content. In suing Google, González drew far more attention to the 1998 estate sale than it ever would have received otherwise. But this is probably the least of the case’s problems. Since the law is now settled, removal requests could be quietly submitted to Google and other companies and only publicized in cases during which there is a dispute over whether certain links actually need to be removed. And those disputes are where the real problems may lay. It may not always be straightforward to determine which data is incomplete, inaccurate, or outdated and which is simply embarrassing.

### A2 Kills Online Anonymity

#### No impact – the aff isn’t about privacy and only anonymity has nothing to do with a person’s transgender status.

#### This assumes the aff would reshape the internet, which it obviously doesn’t do – the right to be forgotten by itself doesn’t reduce anonymity and doesn’t need to do so to remove Google links, which doesn’t require knowing people’s personal info online

### A2 Can’t Delete Everything/Info Stays

#### Removing Google links is sufficient – the Hoboken evidence says search media are the key link, greatly increasing the findability of harmful information and spreading that info

#### Deleting links solves the harm, which come from accidentally revealing people’s transgender status due to a Google search – people wouldn’t hunt for the information since they don’t have reason to do so, so they wouldn’t find the article unless it’s attached to the persons’s name

# NC/DA frontlines

## 1AR kritik

### util link

#### Oppression is upheld by deliberate, politically expedient games centered around vague threats of nuclear annihilation to distract attention from oppression

Omalade 84 (Barbera, works with the City College Center for Worker Education in New York City, has been a historian of black women for the past twenty years and an organizer in both the women's and civil rights/black power movements) Women’s Studies Quarterly v.12 no.2

As women of color, who are warriors in continual struggle to reclaim our lands and liberate our peoples, resistance to war has been our heritage. Women of color are the survivors of the holocausts visited upon our people through the centuries. Five hundred years ago a group of light-skinned men left their European homelands as they had for centuries before. This time, however, they left to conquer the land, the resources, and the other people of the world. They described the people of the world as "colored," and defined themselves as "white." They defined "whiteness" of as pure, superior, right. They defined the "blackness" those they conquered as evil, dirty, and inferior. Their journeys changed the world from a diverse, autonomous group of tribes, villages, nation states, feudal empires- with varying world views and practices. we Even if we agree that all of these societies were patriarchal, must also admit that the forms of patriarchy varied widely, from the almost non-existent variety among the Arawaks to the highly structured Japanese culture. Overall, the world was not at war with itself, though territorial disputes and religious crusades continued to take place. People in areas outside of those involved in disputes could live largely unaffected by and in ignorance of these events. My Indian and African ancestors were generally at peace 500 years ago. The white men who came to conquer them were not. These white men were able to conquer not because they were superior or more intelligent or more civilized, but because they were armed and prepared for war. Indeed, the movement of these white men changed world history because the primary lines that divided the world henceforth became racism and the biological distinctions terrorism became the method of world domi of skin color. Military nation; capitalism, the method of social organization; and racism became the ideology and world view that held together a cohesive system of exploitation and oppression for the world's people and their lands. Terrorism can be drawn from the A direct¶ Historical line of military guns used during the slave trade against Africans and American Indians to the building of nuclear arsenals by the world's current superpowers. During the nineteenth century, the repeating Winchester rifle precipitated a holocaust against the Sioux and the Comanches, which massacred their people, destroyed the buffalo which had sustained them, and destroyed the land as they knew, protected, and cared for it. It was, in that sense, neither an accident of history, nor a surprise, when similar white men dropped atomic bombs on the Japanese citizens of Hiroshima and Nagasaki. Terror has also been used to destroy resistance to racism, Military for capitalism, and militarism, the fear of violent reprisals has taught people to feel powerless to attempt to change the world. Too often the statistics and other information on nuclear arsenals have merely reinforced the military's power to terrorize people into submission or into "doomsday" protests against death. The question of nuclear disarmament is not a psychological question or a technological question, but rather a political question. Nuclear arsenals and nuclear power are part of a rational and holistic system in which those in power hold power over all aspects of world society. It is irrelevant whether they are called "mad" or "sane" by protestor sand critics of the system. The fact remains that they are men, initiating and carrying out the dictates of a rational system of military terror. Calling them "mad," or considering them military "male chauvinists," assures only that the rational system they are part of will remain obscure, and that the responsibility of each man in the Pentagon will never be understood clearly enough to wage an effective political struggle against it. Nuclear disarmament and peace are political questions requiring political solutions of accountability and struggle around who has the power to determine the destiny of the earth. The demand for unconditional U.S. disarmament holds that the U.S. government is responsible for its actions and should be held accountable for them. To raise these issues effectively, the movement for nuclear disarmament must overcome its reluctance to speak in terms of power, of institutional racism, and imperialist military terror. The issues of nuclear disarmament and peace have been mystified because they have been placed within a doomsday frame which separates these issues from other ones, saying, "How can we talk about struggles against racism, poverty, and exploitation when there will be no world after they drop the bombs?" The struggle for peace cannot be separated from, nor considered more sacrosanct than, other struggles concerned with human life and change. In April, 1979, the U.S. Arms Control and Disarmament Agency released a report on the effects of nuclear war that concludes that, in a general nuclear war between the United States and the Soviet Union, 25 to 100 million people would be killed. This is approximately the same number of African people who died between 1492 and 1890 as a result of the African slave trade to the New World. The same federal report also comments on the destruction of urban housing that would cause massive shortages after a nuclear war, as well as on the crops that would be lost, causing massive food shortages. Of course, for people of color the world over, starvation is already a common problem, when, for example, a nation's crops are grown for export rather than to feed its own people. And the housing of people of color throughout the world's urban areas is already blighted and inhumane: families live in shacks, shanty towns, or on the streets; even in the urban are as of North America, the poor may live without heat or running water. For people of color, the world as we knew it ended centuries ago. Our world, with its own languages, customs and ways, ended. And we are only now beginning to see with increasing clarity that our task is to reclaim that world, struggle for it, and rebuld it in our, own image. The "death culture" we live in has convinced many to be more concerned with death than with life, more willing to demonstrate for "survival any cost" than to struggle for liberty and peace with dignity. Nuclear disarmament becomes a safe issue when it is not linked to the daily and historic issues of racism, to the ways in which people of color continue to be murdered. Acts of war, nuclear holocausts, and genocide have already been declared on our jobs, our housing, our schools, our families, and our lands. As women of color, we are warriors, not pacifists. We must fight as a people on all fronts, or we will continue to die as a people. We have fought in people's wars in China, in Cuba, in Guinea Bissau, and in such struggles as the civil rights movement, the women's movement, and in countless daily encounters with landlords, welfare departments, and schools. These struggles are not but abstractions, the only means by which we have gained the ability to eat and to provide for the future of our people. We wonder who will lead the battle for nuclear disarmament with the vigor and clarity that women of color have learned from participating in other struggles. Who will make the political links among racism, sexism, imperialism, cultural integrity, and housing? Who will stand up?

### Democracy link

#### Traditional notions of democracy are exclusionary – the Young evidence says they are only formally inclusive and ignore the structural reality of oppression that makes participation a reality only for the powerful. Specially, the Farrell evidence says heteronormativity makes political participation and equality an impossible for some, meaning that the negative’s vision of “democracy” only perpetuates the status quo’s hierarchy.

### Universal ethics---Generic

#### Extend Bonilla-Silva – exclusion now operates through abstract liberalism that applies general principles to maintain the status quo without recognizing the material conditions that limit application of those principles to the oppressed. The neg’s deployment of abstract ethics only serves oppression, and is used as a tool of the powerful to maintain the status quo.

### ---Marketplace of Ideas

#### 2 links in Bonilla-Silva:

#### 1. The “marketplace of ideas” fails to recognize the way some aren’t able to participate in that marketplace in the first place, and is used to preserve the exclusionary status quo instead of expanding inclusion

#### 2. The “marketplace of ideas” is equivalent to Civil-Rights era conservatives arguing that change should occur through a slow evolution of ideas instead of government action – this serves to maintain the status quo, dominant viewpoints WILL NOT change on their without progressive challenge to them

### ---Freedom/Autonomy

#### 2 links in Bonilla-Silva:

#### 1. The idea of liberty is used to block progressive change as infringing on the autonomy of the majority, preventing social change

#### 2. Freedom of choice is deployed in an abstract way that ignores the way the powerful have more choice than oppressed groups, which maintains systems of supremacy. This means the aff turns the NC – TRUE freedom of choice is found in fostering inclusion of the oppressed and promoting freedom for them

### Impact/Alt of Ballot XT

#### The impact is heteronormativity, the unnamed system of power that shapes everyday thought and action of individuals, excluding every identity that is seen as “outside” the heterosexual, cisgender norm – this is a profound and violent form of exclusion.

#### Extend Elias – in the face of arguments that prop up heteronormative structures, the alternative is to vote affirmative to problematize heterosexism within academic environments. Challenging every instance of heteronormative structures within the classroom is key – its pervasiveness requires constant criticism in order to transform society.

## Util

### SV Add-on

#### Thousands of transgender people are killed and countless more face psychological trauma from forced outings and a society that refuses to let them move beyond their past. This impact is GUARANTEED to be happening now, their impacts are mere speculation – I outweigh on probability

#### Discount small risks of a link – including all near-zero risks would paralyze action since anything has a potential extinction risk which would prevent progressive social change

#### Structural violence is underrepresented in conventional thinking – you must include it as most important in your impact calculus

Nixon 11 Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 2-3

Three primary concerns animate this book, chief among them my conviction that we urgently need to rethink-politically, imaginatively, and theoretically-what I call "slow violence." By slow violence I mean a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all. Violence is customarily conceived as an event or action that is immediate in time, explosive and spectacular in space, and as erupting into instant sensational visibility. We need, I believe, to engage a different kind of violence, a violence that is neither spectacular nor instantaneous, but rather incremental and accretive, its calamitous repercussions playing out across a range of temporal scales. In so doing, we also need to engage the representational, narrative, and strategic challenges posed by the relative invisibility of slow violence. Climate change, the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, and a host of other slowly unfolding environmental catastrophes present formidable representational obstacles that can hinder our efforts to mobilize and act decisively. The long dyings-the staggered and staggeringly discounted casualties, both human and ecological that result from war's toxic aftermaths or climate change-are underrepresented in strategic planning as well as in human memory. Had Summers advocated invading Africa with weapons of mass destruction, his proposal would have fallen under conventional definitions of violence and been perceived as a military or even an imperial invasion. Advocating invading countries with mass forms of slow-motion toxicity, however, requires rethinking our accepted assumptions of violence to include slow violence. Such a rethinking requires that we complicate conventional assumptions about violence as a highly visible act that is newsworthy because it is event focused, time bound, and body bound. We need to account for how the temporal dispersion of slow violence affects the way we perceive and respond to a variety of social afflictions-from domestic abuse to posttraumatic stress and, in particular, environmental calamities. A major challenge is representational: how to devise arresting stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects. Crucially, slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded.

### XT Scheper-hughes

#### This account of violence is more accurate – war is produced by larger narratives of militarism, not concrete events which also means they have no impact

Cuomo 96 (Chris J. Cuomo 1996, “War is not just an event: Reflections on the significance of everyday violence,” 1996, Hypatia, Volume 11, No. 4, pg 1, proquest.)

Philosophical attention to war has typically appeared in the form of justifications for entering into war, and over appropriate activities within war. The spatial metaphors used to refer to war as a separate, bounded sphere indicate assumptions that war is a realm of human activity vastly removed from normal life, or a sort of happening that is appropriately conceived apart from everyday events in peaceful times. Not surprisingly, most discussions of the political and ethical dimensions of war discuss war solely as an event--an occurrence, or collection of occurrences, having clear beginnings and endings that are typically marked by formal, institutional declarations. As happenings, wars and military activities can be seen as motivated by identifiable, if complex, intentions, and directly enacted by individual and collective decision-makers and agents of states. But many of the questions about war that are of interest to feminists---including how large-scale, state-sponsored violence affects women and members of other oppressed groups; how military violence shapes gendered, raced, and nationalistic political realities and moral imaginations; what such violence consists of and why it persists; how it is related to other oppressive and violent institutions and hegemonies--cannot be adequately pursued by focusing on events. These issues are not merely a matter of good or bad intentions and identifiable decisions. In "Gender and 'Postmodern' War," Robin Schott introduces some of the ways in which war is currently best seen not as an event but as a presence (Schott 1995). Schott argues that postmodern understandings of persons, states, and politics, as well as the high-tech nature of much contemporary warfare and the preponderance of civil and nationalist wars, render an event-based conception of war inadequate, especially insofar as geer is taken into account. In this essay, I will expand upon her argument by showing that accounts of war that only focus on events are impoverished in a number of ways, and therefore feminist consideration of the political, ethical, and ontological dimensions of war and the possibilities for resistance demand a much more complicated approach. I take Schott's characterization of war as presence as a point of departure, though I am not committed to the idea that the constancy of militarism, the fact of its omnipresence in human experience, and the paucity of an event-based account of war are exclusive to contemporary postmodern or postcolonial circumstances.1Theory that does not investigate or even notice the omnipresence of militarism cannot represent or address the depth and specificity of the everyday effects of militarism on women, on people living in occupied territories, on members of military institutions, and on the environment. These effects are relevant to feminists in a number of ways because military practices and institutions help construct gendered and national identity, and because they justify the destruction of natural nonhuman entities and communities during peacetime. Lack of attention to these aspects of the business of making or preventing military violence in an extremely technologized world results in theory that cannot accommodate the connections among the constant presence of militarism, declared wars, and other closely related social phenomena, such as nationalistic glorifications of motherhood, media violence, and current ideological gravitations to military solutions for social problems. Ethical approaches that do not attend to the ways in which warfare and military practices are woven into the very fabric of life in twenty-first century technological states lead to crisis-based politics and analyses. For any feminism that aims to resist oppression and create alternative social and political options, crisis-based ethics and politics are problematic because they distract attention from the need for sustained resistance to the enmeshed, omnipresent systems of domination and oppression that so often function as givens in most people's lives. Neglecting the omnipresence of militarism allows the false belief that the absence of declared armed conflicts is peace, the polar opposite of war. It is particularly easy for those whose lives are shaped by the safety of privilege, and who do not regularly encounter the realities of militarism, to maintain this false belief. The belief that militarism is an ethical, political concern only regarding armed conflict, creates forms of resistance to militarism that are merely exercises in crisis control. Antiwar resistance is then mobilized when the "real" violence finally occurs, or when the stability of privilege is directly threatened, and at that point it is difficult not to respond in ways that make resisters drop all other political priorities. Crisis-driven attention to declarations of war might actually keep resisters complacent about and complicitous in the general presence of global militarism. Seeing war as necessarily embedded in constant military presence draws attention to the fact that horrific, state-sponsored violence is happening nearly all over, all of the time, and that it is perpetrated by military institutions and other militaristic agents of the state. Moving away from crisis-driven politics and ontologies concerning war and military violence also enables consideration of relationships among seemingly disparate phenomena, and therefore can shape more nuanced theoretical and practical forms of resistance. For example, investigating the ways in which war is part of a presence allows consideration of the relationships among the events of war and the following: how militarism is a foundational trope in the social and political imagination; how the pervasive presence and symbolism of soldiers/warriors/patriots shape meanings of gender; the ways in which threats of state-sponsored violence are a sometimes invisible/sometimes bold agent of racism, nationalism, and corporate interests; the fact that vast numbers of communities, cities, and nations are currently in the midst of excruciatingly violent circumstances. It also provides a lens for considering the relationships among the various kinds of violence that get labeled "war."

### War add-on

#### Challenging heteronormativity simultaneously challenges social constructions of maleness as aggressive which is the root cause of all violence, war, and domination

Tatchell 89 (Peter, Author and Activist, “Gay Liberation is Central to Human Emancipation,” May/June 1989)

Lesbian and gay liberation is therefore truly revolutionary because it specifically rejects the male heterosexual cult of masculine competitiveness, domination and violence. Instead, it affirms the worthwhileness of male sensitivity and affection between men and, in the case of lesbians, the intrinsic value of an eroticism and love independent of heterosexual men. By challenging heterosexual masculinity, the politics of lesbian and gay liberation has profound radical implications for oppressed peoples everywhere: it actively subverts the male heterosexual machismo' values which lie at the heart of all systems of domination, exploitation and oppression. Lesbian and gay liberation is therefore not an issue which is peripheral. It is, indeed absolutely central to revolutionary change and human liberation in general. Without the successful construction of a cult of heterosexual masculinity and a mass of aggressive male egos, neither sexual, class, racial, species, nor imperialist oppression are possible. All these different forms of oppression depend on two factors for their continued maintenance. First, on specific economic and political structures. And second, on a significant proportion of the population, mainly heterosexual men, being socialised into the acceptance of harsh masculine values which involve the legitimisation of aggression and the suppression of gentleness and emotion. The embracing of these culturally-conditioned macho values, whether consciously or unconsciously, is what makes so many millions of people able to participate in repressive regimes. (This interaction between social structures, ideology and individual psychology was a thesis which the communist psychologist, Wilhelm Reich, was attempting to articulate nearly 60 years ago in his book, The Mass Psychology of Fascism). In the case of German fascism, what Nazism did was merely awake and excite the latent brutality which is intrinsic to heterosexual masculinity in class societies. It then systematically manipulated and organised this unleashed masculine violence into a fascist regime of terror and torture which culminated in the holocaust. Since it is the internalisation of the masculine cult of toughness and domination which makes people psychologically suited and willing to be part of oppressive relations of exploitation and subjection, repressive states invariably glorify masculine "warrior" ideals and legally and ideologically suppress those men - mainly homosexuals - who fail to conform to them. Given that this internalisation of masculine aggression within the male population is a prerequisite for injustice and tyranny, love and tenderness between men ceases to be a purely private matter or simply a question of personal lifestyle. Instead, it objectively becomes an act of subversion which undermines the very foundations of oppression. Hence the Nazi’s vilification of gay men as "sexual subversives" and "sexual saboteurs" who, in the words of Heinrich Himmler, had to be "exterminated- root and branch." In conclusion: the goal of eradicating injustice and exploitation requires us to change both the social structure and the individual personality to create people who, liberated from masculinity, no longer psychologically crave the power to dominate and exploit others and who are therefore unwilling to be the agents of oppressive regimes (whether as soldiers, police, gaolers and censors or as routine civil servants and state administrators who act as the passive agents of repression by keeping the day-to-day machinery of unjust government ticking over). By challenging the cult of heterosexual masculinity, lesbian and gay liberation politics is about much more than the limited agenda of human rights. It offers a unique and revolutionary contribution to the emancipation of the whole of humanity from all forms of oppression and subjugation.

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Neglecting the omnipresence of militarism allows the false belief that the absence of declared armed conflicts is peace, the polar opposite of war. It is particularly easy for those whose lives are shaped by the safety of privilege, and who do not regularly encounter the realities of militarism, to maintain this false belief. The belief that militarism is an ethical, political concern only regarding armed conflict, creates forms of resistance to militarism that are merely exercises in crisis control. Antiwar resistance is then mobilized when the "real" violence finally occurs, or when the stability of privilege is directly threatened, and at that point it is difficult not to respond in ways that make resisters drop all other political priorities. Crisis-driven attention to declarations of war might actually keep resisters complacent about and complicitous in the general presence of global militarism. Seeing war as necessarily embedded in constant military presence draws attention to the fact that horrific, state-sponsored violence is happening nearly all over, all of the time, and that it is perpetrated by military institutions and other militaristic agents of the state. Moving away from crisis-driven politics and ontologies concerning war and military violence also enables consideration of relationships among seemingly disparate phenomena, and therefore can shape more nuanced theoretical and practical forms of resistance. For example, investigating the ways in which war is part of a presence allows consideration of the relationships among the events of war and the following: how militarism is a foundational trope in the social and political imagination; how the pervasive presence and symbolism of soldiers/warriors/patriots shape meanings of gender; the ways in which threats of state-sponsored violence are a sometimes invisible/sometimes bold agent of racism, nationalism, and corporate interests; the fact that vast numbers of communities, cities, and nations are currently in the midst of excruciatingly violent circumstances. It also provides a lens for considering the relationships among the various kinds of violence that get labeled "war."

### Ontological Security Add-On

#### Heteronormativity instills a fundamental fear of impurity in society – this places our species on a trajectory towards omnicide.

Sedwick 90 (Eve Sedgwick, Professor of English CUNY, “Epistemology of the Closet,” 1990, pp. 127-130.)

From at least the biblical story of Sodom and Gomorray, scenarios of same-sex desire would seem to have had a privileged, though by no means an exclusive, relation in Western culture to scenarios of both genocide and omnicide. That sodomy, the name by which homosexual acts are known even today to the law of half of the United States and to the Supreme Court of all of them, should already be inscribed with the name of a site of mass extermination is the appropriate trace of a double history. In the first place there is a history of the mortal suppression, legal or subjudicial, of gay acts and gay people, through burning, hounding, physical and chemical castration, concentration camps, bashing--the array of sanctioned fatalities that Louis Crompton records under the name of gay genocide, and whose supposed eugenic motive becomes only the more colorable with the emergence of a distinct, naturalized minority identity in the nineteenth century. In the second place, though, there is the inveterate topos of associating gay acts or persons with fatalities vastly broader than their own extent: if it is ambiguous whether every denizen of the obliterated Sodom was a sodomite, clearly not every Roman of the late Empire can have been so, despite Gibbon's connecting the eclipse of the whole people to the habits of a few. Following both Gibbon and the Bible, moreover, with an impetus borrowed from Darwin, one of the few areas of agreement among modern Marxist, Nazi, and liberal capitalist ideologies is that there is a peculiarly close, though never precisely defined, affinity between same-sex desire and some historical condition of moribundity, called "decadence," to which not individuals or minorities but whole civilizations are subject. Bloodletting on a scale more massive by orders of magnitude than any gay minority presence in the culture is the "cure," if cure there be, to the mortal illness of decadence. If a fantasy trajectory, utopian in its own terms, toward gay genocide has been endemic in Western culture from its origins, then, it may also have been true that the trajectory toward gay genocide was never clearly distinguishable from a broader, apocalyptic trajectory toward something approaching omnicide. The deadlock of the past century between minoritizing and universalizing understandings of homo/heterosexual definition can only have deepened this fatal bond in the heterosexist \*imaginaire\*. In our culture as in \*Billy Bud\*, the phobic narrative trajectory toward imagining a time \*after the homosexual\* is finally inseparable from that toward imagining a time \*after the human\*; in the wake of the homosexual, the wake incessantly produced since first there \*were\* homosexuals, every human relation is pulled into its shining representational furrow. Fragments of visions of a time “after the homosexual” are, of course, currently in dizzying circulation in our culture [book published in 1990 -Alec]. One of the many dangerous ways that AIDS discourse seems to ratify and amplify preinscribed homophobic mythologies is in its pseudo-evolutionary presentation of male homosexuality as a stage doomed to extinction (read, a phase the species is going through) on the enormous scale of whole populations.26 The lineaments of openly genocidal malice behind this fantasy appear only occasionally in the respectable media, though they can be glimpsed even there behind the poker-face mask of our national experiment in laissez-faire medicine. A better, if still deodorized, whiff of that malice comes from the famous pronouncement of Pat Robertson: "AIDS is God's way of weeding his garden." The saccharine lustre this dictum gives to its vision of devastation, and the ruthless prurience with which it misattributes its own agency, cover a more fundamental contradiction: that, to rationalize complacent glee at a spectacle of what is imagined as genocide, a proto-Darwinian process of natural selection is being invoked--in the context of a Christian fundamentalism that is not only antievolutionist but recklessly oriented toward universal apocalypse. A similar phenomenon, also too terrible to be noted as a mere irony, is how evenly our culture's phobia about HIV-positive blood is kept pace with by its rage for keeping that dangerous blood in broad, continuous circulation. This is evidenced in projects for universal testing, and in the needle-sharing implicit in William Buckley's now ineradicable fantasy of tattooing HIV-positive persons. But most immediately and pervasively it is evidenced in the literal bloodbaths that seem to make the point of the AIDS-related resurgence in violent bashings of gays--which, unlike the gun violence otherwise ubiquitous in this culture, are characteristically done with two-by-fours, baseball bats, and fists, in the most literal-minded conceivable form of body-fluid contact. It might be worth making explicit that the use of evolutionary thinking in the current wave of utopian/genocidal fantasy is, whatever else it may be, crazy [sic]. Unless one believes, first of all, that same-sex object-choice across history and across cultures is \*one thing\* with \*one cause\*, and, second, that its one cause is direct transmission through a nonrecessive genetic path--which would be, to put it gently, counter-intuitive--there is no warrant for imagining that gay populations, even of men, in post-AIDS generations will be in the slightest degree diminished. Exactly \*to the degree\* that AIDS is a gay disease, it's a tragedy confined to our generation; the long-term demographic depredations of the disease will fall, to the contrary, on groups, many themselves direly endangered, that are reproduced by direct heterosexual transmission. Unlike genocide directed against Jews, Native Americans, Africans, or other groups [the disabled -Alec], then, gay genocide, the once-and-for-all eradication of gay populations, however potent and sustained as a project or fantasy of modern Western culture, is not possible short of the eradication of the whole human species. The impulse of the species toward its own eradication must not either, however, be underestimated. Neither must the profundity with which that omnicidal impulse is entangled with the modern problematic of the homosexual: the double bind of definition between the homosexual, say, as a distinct \*risk group\*, and the homosexual as a potential of representation within the universal.27 As gay community and the solidarity and visibility of gays as a minority population are being consolidated and tempered in the forge of this specularized terror and suffering, how can it fail to be all the more necessary that the avenues of recognition, desire, and thought between minority potentials and universalizing ones by opened and opened and opened?

### Edelman – Extintion Link

#### Notions of preserving some sort of future for our species valorize reproductive, heterogenital sex, while making queer sex meaningless – this impregnates heterosexuality with the future of signification, necessitating violence against queerness.

Edelman 4 (Lee Edelman, Prof. English at Tufts University, “No Future: Queer Theory and the Death Drive,” 2004, pp. 11-13)

Charged, after all, with the task of assuring “that we being dead yet live,” the Child, as if by nature (more precisely, as the promise of a natural transcendence of the limits of nature itself), excludes the very pathos from which the narrator of The Children of Men recoils when comes upon the –nonreproductive “pleasures of the mind and senses.” For the “pathetic” quality he projectively locates in nongenerative sexual enjoyment – enjoyment that he views in the absence of futurity as empty, substitutive, pathological – exposes the fetishistic figurations of the Child that the narrator pits against it as legible in terms of identical to those for which enjoyment without “hope of posterity” so peremptorily dismissed” legible, that is, as nothing more than “pathetic and crumbling defences shored up against our ruins.” How better to characterize the narrative project of Children of Men itself, which ends, as anyone not born yesterday surely expects form the start, with the renewal of our barren and dying race through the miracle of birth? After all, as Walter Wangerin Jr., reviewing the book for the New York Times, approvingly noted in a sentence delicately poised between description and performance of the novel’s pro-creative ideology: “If there is a baby, there is a future, there is redemption.” If, however, there is no baby and in consequence, no future, then the blame must fall on the fatal lure of sterile, narcissistic enjoyments understood as inherently destructive of meaning and therefore as responsible for the undoing of social organization, collective reality, and, inevitably, life itself. Given that the author of The Children of Men, like the parents of mankind’s children, succumbs so completely to the narcissism – all pervasive, self-congratulatory, and strategically misrecognized – that animates pronatalism, why should we be the least bit surprised when her narrator, facing the futureless future, laments, with what we must call as straight face, that “sex totally divorced from procreation has to become almost meaninglessly acrobatic”? Which is, of course, to say no more than that sexual practice will continue to allegorize the vicissitudes of meaning so long as the specifically heterosexual alibi of reproductive necessity obscures the drive beyond meaning driving the machinery of sexual meaningfulness: so long, that is, as the biological fact of heterosexual procreation bestows the imprimatur of meaning-production on heterogenital relations. For the Child, whose mere possibility is enough to spirit away the naked truth of heterosexual sex – impregnating heterosexuality, as it were, with the future of signification by conferring upon it the cultural burden of signifying futurity – figures our identification with an always about-to-be-realized identity. It thus denies the constant threat to the social order of meaning inherent to the structure of Symbolic desire that commits us to pursuing fulfillment by way of a meaning unable, as meaning, either to fulfill us or, in turn, to be fulfilled because unable to close the gap in identity, the division incised by the signifier, that “meaning,” despite itself, means.

### HR Cred Add-on

#### Recent international review confirms US treatment of transgender people violates international standards – kills human rights cred

Rodriguez 14 [(Laura, principal at The Raben Group and heads the firm’s West Coast office in Los Angeles, Chief of Staff for Congresswoman Hilda L. Solis Deputy Chief of Staff and Legislative Director for Congresswoman Loretta Sanchez Legislative Assistant for Congressman Ronald Coleman ) “Research Suggests U.S. Fails to Meet International Human Rights Standards for LGBT People” Williams Institute, July 10 2014] AT

Washington, DC – Social science research and legal analysis suggest the U.S. is failing to comply with international human rights standards in relation to LGBT people, according to testimony from Adam Romero, Arnold D. Kassoy Scholar of Law and Senior Counsel at UCLA’s Williams Institute, given to a committee at the State Department conducting a review of the United States’ human rights record. While the U.S. has seen significant progress in recent years, a majority of states fail to provide legal protections for LGBT people and families, despite evidence of persistent and pervasive discrimination, economic vulnerability, and violence and sexual assault. Every four years, each country undergoes a Universal Periodic Review that examines whether it has abided by commitments under international human rights treaties. In addition to helping create the Universal Declaration of Human rights, the United States has ratified specific treaties addressing civil and political rights, race discrimination, and the treatment of refugees. In the last review, held in 2010, the United Nations issued a long series of recommendations that called on the United States to take measures to comprehensively address discrimination against individuals on the basis of sexual orientation or gender identity. “Addressing documented discrimination in the United States is critical to the United States’ credibility on international human rights issues,” said Andrew Park, Director of International Programs at the Williams Institute and co-author of the Williams Institute’s statement presented by Romero. Research highlights that current U.S. policies are failing to meet persistent discrimination and disparities:

#### The plan is a form of signaling and is perceived – the Webb evidence from the aff says the right of transgender people is *high-profile* and seen as a key issue for transgender rights globally

#### US human rights cred solves global WMD conflict

Burke-White 4 (William W., Lecturer in Public and International Affairs and Senior Special Assistant to the Dean at the Woodrow Wilson School of Public and International Affairs, Princeton University and Ph.D. at Cambridge, “Human Rights and National Security: The Strategic Correlation”, The Harvard Human Rights Journal, Spring, 17 Harv. Hum. Rts. J. 249, Lexis)

This Article presents a strategic--as opposed to ideological or normative--argument that the promotion of human rights should be given a more prominent place in U.S. foreign policy. It does so by suggesting a correlation between the domestic human rights practices of states and their propensity to engage in aggressive international conduct. Among the chief threats to U.S. national security are acts of aggression by other states. Aggressive acts of war may directly endanger the United States, as did the Japanese bombing of Pearl Harbor in 1941, or they may require U.S. military action overseas, as in Kuwait fifty years later. Evidence from the post-Cold War period  [\*250]  indicates that states that systematically abuse their own citizens' human rights are also those most likely to engage in aggression. To the degree that improvements in various states' human rights records decrease the likelihood of aggressive war, a foreign policy informed by human rights can significantly enhance U.S. and global security. Since 1990, a state's domestic human rights policy appears to be a telling indicator of that state's propensity to engage in international aggression. A central element of U.S. foreign policy has long been the preservation of peace and the prevention of such acts of aggression. [2](http://www.lexis.com/research/retrieve?_m=62d5bddd50e555db7dfb40b14668cef6&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAW&_md5=a81b07a0a90d95be59f9b7bb9d939181" \l "n2" \t "_self) If the correlation discussed herein is accurate, it provides U.S. policymakers with a powerful new tool to enhance national security through the promotion of human rights. A strategic linkage between national security and human rights would result in a number of important policy modifications. First, it changes the prioritization of those countries U.S. policymakers have identified as presenting the greatest concern. Second, it alters some of the policy prescriptions for such states. Third, it offers states a means of signaling benign international intent through the improvement of their domestic human rights records. Fourth, it provides a way for a current government to prevent future governments from aggressive international behavior through the institutionalization of human rights protections. Fifth, it addresses the particular threat of human rights abusing states obtaining weapons of mass destruction (WMD). Finally, it offers a mechanism for U.S.-U.N. cooperation on human rights issues.

### A2 Constitution DA

#### No link – it’s perceived as protection of transgender rights, not a matter of following the constitution

#### Forced outing is a violation – the Constitution protects privacy of sexual/gender identity

ACLU 2K [(American Civil Liberties Union) “Court Rules that Tragic Police Outing of Gay Teen Violated Constitutional Rights; ACLU Sees Broad Impact”] AT

PHILADELPHIA, PA - In a solid victory for the privacy rights of lesbian and gay Americans -- and particularly for young gay people -- a Federal Appeals Court ruled late yesterday that police violated a gay teen's constitutional rights when they threatened to tell his family that he was gay. The boy committed suicide after the threat was made. The 2-1 decision from the Third Circuit Court of Appeals in Philadelphia found that the Constitution clearly protects a person's sexual orientation from forced disclosure. The Court rejected the argument that lesbians and gay men are not protected by the right to privacy, and ruled instead that "[i]t is difficult to imagine a more private matter than one's sexuality..." Larry Frankel, Executive Director of the American Civil Liberties Union of Pennsylvania, which represents the young man's mother in a civil lawsuit against the Minersville, Pa., police officers, hailed the decision. "The idea that only certain Americans have a right to basic privacy should have been discredited years ago," Frankel said. "This decision is an important step in finally making it clear that fundamental rights belong to all Americans."

#### Outweighs – A) it’s a question of fundamental rights, whereas the free speech violation is marginal at best, it only restricts search results from coming up

#### B) the EU has already recognized a right to be forgotten so there’s no loss of perception, whereas there is a massive violation of perception every time a trans person suffers due to forced outing from their past

#### C) Free speech violations are non-unique – NSA surveillance and crackdown on peaceful protest mean credibility is low now

### A2 extinction = can’t solve oppression

#### High risk of the aff outweighs a low risk of extinction

#### the status quo is oppressive – preserving the status quo violates my standard, it doesn’t solve oppression – the aff has a higher chance of solving than the squo even if the aff causes extinction

#### oppression is a group harm by virtue of being a specific group – this is an impact filter for the framework – that’s Pierce

## Minimalism

### Fwk A2 Minimalism

#### This is an excuse to justify more oppression – they say the state can’t intervene to reduce inequality, which would literally conclude that Civil Rights legislation was bad

Monbiot 11 [(George, author of the bestselling books The Age of Consent: A Manifesto for a New World Order and Captive State: The Corporate Takeover of Britain) “This bastardised libertarianism makes 'freedom' an instrument of oppression” The Guardian, December 19] AT

Freedom: who could object? Yet this word is now used to justify a thousand forms of exploitation. Throughout the rightwing press and blogosphere, among thinktanks and governments, the word excuses every assault on the lives of the poor, every form of inequality and intrusion to which the 1% subject us. How did libertarianism, once a noble impulse, become synonymous with injustice? In the name of freedom – freedom from regulation – the banks were permitted to wreck the economy. In the name of freedom, taxes for the super-rich are cut. In the name of freedom, companies lobby to drop the minimum wage and raise working hours. In the same cause, US insurers lobby Congress to thwart effective public healthcare; the government rips up our planning laws; big business trashes the biosphere. This is the freedom of the powerful to exploit the weak, the rich to exploit the poor. Rightwing libertarianism recognises few legitimate constraints on the power to act, regardless of the impact on the lives of others. In the UK it is forcefully promoted by groups like the TaxPayers' Alliance, the Adam Smith Institute, the Institute of Economic Affairs, and Policy Exchange. Their concept of freedom looks to me like nothing but a justification for greed.

#### It’s precisely this excuse that’s been used to pass the Defense Of Marriage Act, that the state would be breaking neutrality if it endorsed “the gay lifestyle” – justifies heteronormativity.

### A2 Minimalism

#### The state must outlaw some citizens harming others since that is the very foundation of state legitimacy. The aff is an instance of this harm which obligates the state to prevent it.

## Top level

### General A2 Turns case stuff

#### This isn’t impacted in terms of transgender people’s experience – you don’t turn my impact. Oppression is necessarily a group harm, treating it as an abstract concept like they do dilutes its power for addressing structural inequalities – that’s the Pierce evidence

## Democracy

### Contention

#### The aff doesn’t kill democracy – it doesn’t endorse censorship but rather protection of a specific marginalized group.

#### This is KEY to democracy – marginalization means some groups can’t participate, and a baseline level of equal inclusions is necessary for everyone to have a voice. Outweighs – a large increase in inclusion justifies limits on everyone else’s behavior – for example, Civil Rights legislation made discrimination illegal – even though it limits action the inclusion it fosters increases political participation which is net better.

## Free Speech

### A2 Marketplace better for equality

#### This doesn’t require absolutely guarding a marketplace of ideas – even if the aff slightly reduces the marketplace, the benefit for transgender equality is much larger and outweighs the slight decline in free expression

### A2 Free expression key to identity

#### 1. Doesn’t apply to speaking about other people – even if expressing your beliefs is important, the plan applies to publishing info about other people, which isn’t a belief and isn’t your authority to publish in the first place

#### 2. This only applies to SPEAKING freely not having other hear that speech – the plan doesn’t make people stop talking so it doesn’t harm expression

### Speech - Contention Answers

#### Extend the advocacy – the plan solves the violation of free speech since the information is no longer true of their gender identity. The right to free speech doesn’t extend to patently false information because then it conflicts with others’ rights but doesn’t serve any function.

#### This would fall under libel law – you can’t publish false information about people now, and information that no longer applies to a person’s identity is similarly not true anymore. This is a double bind: either A) the NC would say hate speech is legit, in which case it’s radically inconsistent with our intuitions that prohibit oppression – all the arguments on the case disprove that. Or B) the NC would allow the aff.

#### Forced outing is bad and causes violence – the right to free speech does not extend to speech that has the potential to harm others, eg shouting fire in a crowded theater endangers others and isn’t a protected form of speech. Similarly, a person’s past is dangerous information and isn’t protected.

#### 3. case outweighs – the limit on free speech is marginal, but the aff prevents exclusion and violence – even if they’re slightly ahead on the contention, I’m far enough ahead on the framework to win the round

# Theory/T frontlines

## A2 solvency advocates theory

### I meet

#### I meet – Webb literally advocates the right to be forgotten for transgender people. IF that’s not a solvency advocate, I don’t know what is…

#### I meet – the Andrade evidence conceptualizes the right to be forgotten as a right that applies when there’s a mismatch between your current identity and the identity conveyed by online information – that’s exactly what the plan text does.

#### Even if it doesn’t meet the text of their interp, it solves all their standards which meets their abuse story – Andrade is one of the most common authors on the topic – his version of the right is predictable and doesn’t overly limit neg ground.

#### There could be a solvency advocate regardless of whether I read one in the round so it's not verifiable whether this aff is unpredictable. You shouldn't vote on practices you can't verify especially when the abuse is so marginal since it risks over-punishment which would gut norming and credibility, turning the impact

### CI Generic

#### Counter-interpretation – the aff must have evidence written by a qualified author that advocates the right to be forgotten in the context the harms the plan text seeks to address. To clarify, if the plan text is about a certain GROUP of people, my evidence has to advocate the right to be forgotten and discuss its ability to benefit those people. It doesn’t have to advocate the right ONLY for transgender people.

#### [PREDICTABILITY] Counter-interp solves their offense – if an author talks about the right in the context of transgender people, then affs specific to transgender people are predictable.

#### [GROUND] my counter-interp solves ground loss – if an author discusses the right in the context of transgender people, then neg authors replying to my author will also discuss it in that context, which provides neg ground for NCs and disads.

### Standard---Advocacy Exclusion

#### Their interp is so specific that it excludes all aff advocacies on the topic since none would have a solvency advocate. Either my aff meets their interp or their interp excludes my aff and specific affs like it, which is bad for 3 reasons.

#### 1. They avoid discussing specific material oppression that can be addressed by specific policies, forcing abstract, whole-rez debates that allow the neg to avoid discussing how to defeat oppression. Elias aff evidence says we should discuss heteronormativity in the context of academic settings in order to challenge it. Impact outweighs – fairness doesn’t matter outside of debate, but we can become socially conscious citizens who defeat oppression instead of ignoring it.

#### 2. kills aff strategy since I can’t construct a strategic specific aff and am vulnerable to every possible neg position – especially bad since the aff has less time to respond to neg positions and should be able to leverage the specificity of their aff.

#### Outweighs.

#### Counter-interp means their offense is marginal at best whereas their interp makes the requirement so specific they destroy a massive amount of ground

#### the ability and prep time to make analytics, kritiks that link to many arguments, and topic generics that apply to all arguments, all mean predictability loss isn’t devastating, but being unable to read an advocacy is

#### Having an advocacy is a functional pre-requisite – you literally cannot argue for anything unless you have an advocacy to frame those arguments

#### 3. education – general debates repeat the exact same free speech vs privacy arguments every round, which doesn’t add anything to education – specific plans introduce us to new information. Outweighs – more predictability repeats the exact same debates, a small loss in predictability is worth a large increase in education.

### Standard---Creativity

#### Creativity – their interp destroys students’ ability to craft their own positions and forces them to only repeat authors’ advocacies – this kills critical thinking, which is a voter.

Keller 1, Whittaker, and Burke 01 Thomas E., Asst. professor School of Social Service Administration U. of Chicago, James K., professor of Social Work, and Tracy K., doctoral student School of Social Work, “Student debates in policy courses: promoting policy practice skills and knowledge through active learning,” Journal of Social Work Education, Spr/Summer

Policy practice encompasses social workers' "efforts to influence the development, enactment, implementation, or assessment of social policies" (Jansson, 1994, p. 8). Effective policy practice involves analytic activities, such as defining issues, gathering data, conducting research, identifying and prioritizing policy options, and creating policy proposals (Jansson, 1994). It also involves persuasive activities intended to influence opinions and outcomes, such as discussing and debating issues, organizing coalitions and task forces, and providing testimony. According tojansson {1984, pp. 57-58), social workers rely upon five fundamen- tal skills when pursuing policy practice activities: • value-clarification skills for identifying and assessing the underlying values inherent in policy positions; • conceptual skills for identifying and evaluating the relative merits of different policy options; • interactional skills for interpreting the values and positions of others and conveying one's own point of view in a convincing manner; • political skills for developing coalitions and developing effective strategies; and • position-taking skills for recommending, advocating, and defending a particular policy. These policy practice skills reflect the hallmarks of critical thinking (see Brookfield, 1987; Gambrill, 1997). The central activities of critical thinking are identifying and challenging underlying assumptions, exploring alternative ways of thinking and acting, and arriving at commitments after a period of question- ing, analysis, and reflection (Brookfield, 1987). Significant parallels exist with the policy-making process—identifying the values underlying policy choices, recog- nizing and evaluating multiple alterna- tives, and taking a position and advocating for its adoption. Developing policy practice skills seems to share much in common with developing capacities for critical thinking.

### A2 Predictability

#### All neg ground is the same regardless of the aff since it’s the same right to be forgotten, just for different groups of people. Even if it’s unpredictable, there’s no abuse since you can use the same prep.

#### The less specific my solvency advocate is, the less my aff solves my aff. Lacking a solvency advocate is a solvency deficit they can win the debate with, which checks any theoretical abuse – theory overcompensates and should be rejected. Double bind – either my evidence is bad and you win anyways with solvency deficits, or the evidence is good enough that you should have prepared for it.

### A2 specific research

#### 1. The counterinterp would create a norm where these plans could be run, which would solve since it means you could just change the way you do research

#### 2. Being able to prep before the plan is irrelevant

#### A. It’s the same right to be forgotten, so all the same neg solvency arguments still apply – they can make it specific to the aff using analytics or cutting impacts to their generic offense before the round – there’s no ground loss

#### B. Generic NCs, kritiks, and neg advantage checks

#### 3. The counter-interp means I have a solvency advocate, so the aff is predictable. Their abuse story is that it’s hard to prep against plans with broader solvency advocates. This shouldn’t be a reason to reject the shell since their logic justifies disallowing good plans because it reduces neg disad ground. This kills fairness since it destroys strategic, competitive arguments which is the test of the better debater and arbitrarily excludes positions that are well supported which kills education.

### A2 Fiat Abuse

#### Counter-interp solves – it also requires a solvency advocate, so that the aff doesn’t abuse fiat

#### Any fiat abuse is a solvency deficit to the aff

#### their interp doesn’t solve, you can still find solvency advocates for abusive affs.

#### At best, this is non-unique between the interp and counter-interp and is just potential abuse that doesn’t apply to my aff.

### A2 Prep Skew

#### 1. It’s reciprocal – if the lit makes your offense narrow, it makes my offense narrow too, so there’s no loss of fairness

#### 2. Disclosure solves predictability, you should have written a case neg

#### 3. All the neg generics still apply to my aff – no prep skew

### [wip] CI vs “specific type of RTBF”

#### Counter-interpretation – affs that specify to whom or in what circumstances the right to be forgotten applies must have evidence written by a qualified author that advocates the right to be forgotten in the context of the aff plan text. Affs that specify a version, definition, or type of a right be forgotten must have a solvency advocate specific to their version of the right to be forgotten. To clarify, if the plan text is about a certain GROUP of people, my evidence has to advocate the right to be forgotten and discuss its ability to benefit those people, and doesn’t have to advocate the right ONLY for transgender people. If I advocate a specific TYPE of a right to be forgotten, then I have to meet the neg’s definition of a solvency advocate

#### There are 2 ways the aff can specify: either by applying the right for a group of people, which is my aff; or by having a non-conventional definition or version of the right to be forgotten, which their abuse story is about. Under my counter-interpretation, the second one has to meet the neg’s definition of a solvency advocate, which solves the neg’s abuse story. The first one just has to say the right to be forgotten is good in that context, but doesn’t have to be as specific as the neg’s definition of a solvency advocate.

# K frontlines

## A2 Race Ks

### Intersectionality

#### Perm do both

#### Racism is best understood through a lens of heteronormativity

Ferguson 2000 [(Roderick, professor of race and critical theory in the American Studies Department at the University of Minnesota, Twin Cities) “The nightmares of the heteronormative” Cultural Values Volume 4, Issue 4, 2000] AT

Race and sexuality have always intersected in African-American racial formation. In this article, I argue that this intersection has inspired certain epistemological, political, economic and cultural formations. In terms of epistemology, American sociology and African-American literature have historically addressed the connections between race and sexuality. Both were interested in the ways that African-American racial formation transgressed ideal heterosexual and patriarchal boundaries. As far as cultural formations were concerned, such transgressions materially and symbolically aligned African-American racial formation with homosexuality. Attending to the political and economic effect of this alignment, I maintain that it helped to articulate African-American racial difference and worked to exclude African-American from the privileges of state and capital. Thus, the article argues that African-American racial subordination can best be understood as it converges with heteronormative and patriarchal modes of regulation and exclusion. After showing how the most prominent sociology during the 1940s (Gunnar Myrdal's American Dilemma: The Negro and American Democracy) marked African-American as pathologically heterosexual, I go on to read James Baldwin's Go Tell It on the Mountain to determine how the alignment between blackness and homosexuality suggests alternative and oppositional epistemological, cultural and political practices.

## A2 Queer pessimism

### No link/perm

#### Perm do both

#### There is NO LINK. The aff doesn’t take a stance on queer pessimism or optimism. It is merely a judgment that it is better if transgender people have the OPTION to forget their pasts than being bound to the present. Regardless of whether this can transform society, it is still a positive action that can avert REAL PHYSICAL ACTS OF VIOLENCE.

#### The only claim I’m making is that the plan averts REAL VIOLENCE which is a good thing – I don’t think their kritik disproves this or would deny that preventing instances of transphobic violence are good actions. I haven’t made claims of transformative change so there’s no link to the kritik.

#### Prefer these MATERIAL IMPACTS. The alt is stuck in the academia and re-entrenches problematic institutions by satisfying people with criticisms. Only realistic reform can solve – constant critique only hinders effective solutions

Bryant 12 (levi, prof of philosophy at Collins college, Critique of the Academic Left, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/)

The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities.¶ Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park:¶ The underpants gnomes have a plan for achieving profit that goes like this:¶ Phase 1: Collect Underpants¶ Phase 2: ?¶ Phase 3: Profit!¶ They even have a catchy song to go with their work:¶ Well this is sadly how it often is with the academic left. Our plan seems to be as follows:¶Phase 1: Ultra-Radical Critique¶Phase 2: ?¶Phase 3: Revolution and complete social transformation!¶Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing?¶ But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done!¶ But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc.¶ What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle.¶ I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation.¶ “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

### Optimism good

#### Society is at a tipping point. Optimism is possible.

Fae 14 [(Jane, feminist and writer on issues of political and sexual liberty) “We're at a tipping point for transgender equality” The Guardian 30 May 2014] AT

Is transgender the new gay? Is the transgender cause the next great frontier when it comes to human rights, as Time magazine boldly declared on Thursday? I'm not altogether sure it's right. In fact, I rather hope it's wrong. Of course, there are "transgender issues". The trans community may have won a few significant battles in the UK, but the broad response to anything transgender is still one of suspicion, rooted in a deep-seated cultural hostility to anything that "deviates" from the norms of sexuality or gender. Trans people remain discriminated against at work, in housing and in education. A simple night out on the town still carries dangers that the equivalent non-trans expedition would not. Same-sex marriage, which our political masters proclaimed as "equal", is anything but – with two enormous loopholes written into recent English legislation "because trans is different". Transgender people suffer shameful, humiliating and sometimes downright negligent encounters with medical professionals, while the authorities continue to wage war on those who provide a trans-friendly medical service. Yet change is coming. The trans community is self-aware and out, and campaigning in a way unthinkable a decade ago. We are now recognised as a legitimate focus for minority protection. And far more important, we are beginning to take back control of our destiny and our definition from others who have little empathy or understanding of us: from the medics, the religious, and those radical feminists who all claim to know our natures far better than we do. More people are identifying as transgender – 10% more each year, according to Home Office figures – which goes way beyond the simplistic public understanding of "gender bending" trans women and men, and takes in the non-binary too. And here's why I don't want the next big thing to be all about trans, and why I don't think it will be: some of these battles are private grief; issues that few outside the trans community will ever truly comprehend. We will fight them and I expect we will win most of them, because in the end, not to allow us to win is simply cruel. That is why it feels like we are at a tipping point in the UK, in the US and in other countries in the liberal west – and not, yet, in Russia or India or Saudi Arabia. There are issues, though, where the challenge of integrating transgender people opens up much wider debate. On identity, on the right to be forgotten, on the recording of gender details on almost every form we are asked to fill in. These all raise fundamental questions about how things are. For, despite decades of equal opportunities, one of the first things you are likely to be asked by a prospective employer or government department is "what is your gender?" Why? In a society where gender is allegedly no longer an issue, whose business is it of anyone but the individual concerned and those closest to them? Trans folk are not the only ones making the running here, nor should we be. At a personal level I have raised issues of name change and gender recording with the information commissioner, because they affect trans folk – but the reality is that they affect women far more. Wider still, there is society's continuing insistence on its right to police women's bodies – the shame of failing to look feminine enough. That, too, is an issue that non-trans women have long protested against, but is also at the root of much of the vitriol thrown in the direction of the trans female community. Trans men, on the other hand, are increasingly visible, and are raising another equally vital question around the blurring of boundaries between butch and masculine and male. Trans is on the agenda and, unless your view of trans folk is essentially rooted in bigotry, the unstoppable impulse is towards change. That's great. But when we look back, 100 years from now, at the great changes that I believe are about to sweep away traditional ideas of gender, will we see this as a trans moment? Or merely a moment when all sorts – trans, feminist and the downright bolshie – asked some awkward questions, and finally started to make a difference?

#### The reaction to progressive social change they cite as evidence only proves that change is possible – the very fact of the reaction proves that it’s important to engage in politics – they cede the political, which emboldens reactionary anti-queer violence

Brenkman 2 (John Brenkman, Distinguished Professor of English and Comparative Literature at the CUNY Graduate Center and Baruch College, 2002, Narrative, Vol. 10, No. 2, p. 190-191)

I have not tried to offer a more optimistic (or futurist) assessment of the gay struggle than Edelman, though he has construed my remarks in that way; his essay very pointedly conveyed a sense of the ongoing ordeal of gays in American society and a pessimism regarding inaction on the AIDS crisis, domestic partner rights, and anti-gay violence and the persistence of repressive restrictions on sexual freedom. I have also not challenged his criticism of the figure of the child as futurity, because I find it is very persuasive. So, too, Edelman offers a compelling interpretation of homophobia in his delineation of how this discourse figures the child as future in order to make the queer the figure of the death and jouissance, of the negativity, that haunts all (normalizing) fantasies of the sexual relation and sexual identity. What I have challenged is the claim that this discourse defines, or even dominates, the political realm as such. It is the discourse of conservative Catholicism and Christian fundamentalism, and even though it resonates in strands of liberal discourse, it represents an intense reaction, backlash, against changes that have already taken place in American society, many of them as the direct result of feminism and the gay and lesbian movement. It is indeed important not to underestimate the depth and danger of this reaction, but it is a reactionary, not a foundational, discourse. The uncoupling of sexuality and reproduction is ubiquitous in American culture today as a result of multiple developments beyond the expansion of gay rights and the right to abortion, including birth control, divorce, and changing patterns of family life, as well as consumerism and mass culture; it may well be that the sheer scope, and irreversibility, all of these developments also intensifies the targeting of gays by conservative ideology and Christian fundamentalist movements. But that is all the more reason to recognize that the deconstruction of the phobic figuration of the queer is a struggle to be pursued inside as well as outside politics.

### A2 State link

#### Even though the state does foster heteronormativity, that’s no inevitable – analysis of Supreme court decisions affirms the possibility for self-reflexive reform by the state as well as an affirmation of inclusive agonism that can challenge hegemonic sexual structures

Deylami 4 [(Shirin, Uminnesota dept of political science) “(Un)Closeting Democracy: The Limits and Possibilities of Legalism in Pursuit of Queer Politics” 2004 Southern Political Science Association Conference: New Orleans, Louisiana] AT

Perhaps the largest barrier impeding emerging identities from coming to the fore is systemic discrimination in the public sphere whether it is in socio-cultural contexts or in terms of political participation. Political activists have worked to ameliorate the disjuncture between claims to equal participation and freedom and the actualities of being minority subjects in a heteronormative world. Generally, GLBT activists’ political demands for equal rights have been most prominently couched in terms of discrimination against their minority subjectivity. These claims in turn have developed a problematic dichotomy whereby the homosexual citizen is never quite as capable as her heterosexual counterpart. In fact the homosexual citizen’s identity is always cast as inferior to citizens whose sexuality is always already assumed and revered 14 . At best the homosexual is an incapable injured citizen-subject and at worst he’s not worthy of citizenship status at all. How then can this emerging queer identity challenge more powerful identities as Connolly suggests? In this section I want to argue that legal decision-making offers promise for establishing the foundations for an agonistic politics. How might legalism offer us the basis of an agonistic political sphere that does not rely on the erasure of the struggles of identity groups but also does not limit those groups to their injuries and inefficiencies? How might legalism restore the political to a pluralist politics? Rather than giving you a theory of how an agonistic politics may be derived from legal decision-making, in this final section I would like to look closely at the 1996 Supreme Court decision of Romer v. Evans in order to look pragmatically at the relationship between the juridical order and the political realm. This case is a prime example of the way in which arguments over discrimination can be redirected in order to trouble the heterosexual/homosexual binary of which Sedgwick speaks. In Romer the issue surrounded Colorado’s 1992 passage of Amendment 2 which repealed city and county ordinances that prohibited discrimination on the basis of “homosexual, lesbian or bisexual orientation, conduct, practices or relationships” (cited in Justice Kennedy’s majority opinion). Amendment 2 also prohibited any and all future actions by state and local governments to protect this class from discrimination. The Court held that Amendment 2 was unconstitutional on the grounds that it did not provide equal protection under the law because in its exclusion of gays, lesbians, and homosexuals it obliviated the very rights to which all citizens are entitled. While the decision itself was not all that surprising, the rational by which Justice Kennedy renders the decision is of particular interest. The decision in Romer has been constituted by many in the gay rights movement as a bittersweet victory. This is because the Court did very little to establish a reversal to the Bowers case 15 . In fact, the majority opinion never even sights Bowers, thus spawning a critique by some that it is neither antagonistic towards the claim that all homosexuals are criminal nor does it render sexual orientation to be a suspect class worthy of protection. But if we look closely at the decision we can see what I believe to be an important inroad to breaking the pattern of minoritization so prevalent in the legal battles for sexual autonomy and freedom. In the decision Justice Kennedy makes two important differentiations. First, he argues that gays, lesbians and bisexuals are a political group deserving of the same protections and possibilities as any other group. Second, and more importantly, he argues that no group’s rights can be restricted based on animus from the majority group; here read as heterosexuals. While Kennedy does rely heavily on the lack of state interest in imposing hardships on this particular minority group—thus reinstating homosexuality’s minority status—his overall reasoning points to a larger catalyst, the right for all identity groups to struggle for political leverage. At the heart of Kennedy’s reasoning for ruling against the institutionalization of Amendment 2 is his recognition of gays, lesbians, and bisexuals as a political group worthy of protections not based on their own minoritization but the minority status imposed upon them by the state and those with political power. Put more simply, Kennedy argues that the deficiencies and disadvantages rendered upon this group are not ones established by their own inferiority but by that state’s attempts to impede their political rights. He writes, “[I]f the constitutional conception of ‘equal protection of the laws’ means anything, it must at the very least mean that a bare…desire to harm a politically unpopular group cannot constitute a legitimate governmental interest.” Department of Agriculture v. Moreno, 413 U.S. 528, 534 (1973)…Amendment 2, however, in making a general announcement that gays and lesbians shall not have any particular protections from the law, inflicts on the immediate, continuing, and real injuries that outrun and belie any legitimate justifications that may be claimed for it (Kennedy). While Kennedy recognizes the political unpopularity of sexual minority groups, he also acknowledges that this unpopularity is in at least part a production of the attempts of the majority identity vis-à-vis the state to delegitimize this emerging community. This leads us to the second important contention Justice Kennedy makes in his majority opinion. One cannot establish laws based on animus towards a particular social or political group. Arguing against the states contention that Amendment 2 merely puts gays, lesbians, and bisexuals in the same position as all other persons, Kennedy writes, that the Amendments “sheer breadth is so discontinuous with the reasons offered for it that the amendment seems inexplicable by anything but animus toward the class that it affects” (Kennedy, 1996, p. 8). As Kennedy continues we see that in fact all notions of animus must be revoked in order for a free and equal mode of politics to occur. How is this decision a promotion of agonistic politics? At the heart of the majority opinion is the contention that the role of the law is to stabilize the possibilities of the political order. In other words, the notion of equal protection of the laws not only provides minorities with protection from the majority but also gives minority subjects the basis for contestation in the political realm. Specifically, Kennedy’s derogation of laws based on animus asserts that while their may be struggles for political leverage the very notion of a democratic order precludes the systematic destruction of a minority group by the majority. He argues that “we must conclude that Amendment 2 classifies homosexuals not to further a proper legislative end but to make them unequal to everyone else” (Kennedy, p. 12). This attempt at inequality is exactly what Connolly warns us of in his analysis of the ‘ethos of critical responsiveness’. It always the more established identity groups that attempt to thwart burgeoning groups that desire recognition. What the Romer v. Evans decision offers us then is the institutional capacity for these minority groups to both articulate and reinvent themselves within the political realm. 16 But it also invokes the possibility of challenging the majority group by proffering the same rights for political redress to the state by all. Although Romer is predicated on the doctrine of equal protection, the catalyst for such a decision is not contingent upon protecting sexual minorities as always already injured groups. Rather it’s an attempt to protect sexual minorities’ articulation of self in the political sphere. It allows for different identity groups to be adversaries in the political arena. “An adversary is an enemy, but a legitimate enemy, one with whom we have some common ground because we have a shared adhesion to the ethico-political principles of liberal democracy: liberty and equality” (Mouffe, 2000, p. 102). Thus, in this case, the Supreme Court requires that the majority adhere to these liberal democratic principles regardless of their desire to regulate and reproduce the heteronormative structure by controlling homosexuals’ political and social worlds. Put simply, then, the juridical sphere can help to establish the basis for the development and articulation of a queer political identity that can trouble heteronormative structures of domination. Conclusion There is no doubt that the Supreme Court has had an enormous impact on the social production and acceptance of sexual minorities in the public sphere. In this paper I have tried to trace the way in which legal decision-making has limited the possibilities for both GLBT and queer productions of identity vis-à-vis the construction of the homosexual as criminal sodomite. Although juridical discourse has had a negative impact on the possibilities of queer politics, the case of Romer v. Evans has offered an alternative prospect for queer politics. While the state often institutionalizes the unequal subjectivities produced by the heteronormative system (and that system gets replicated again in demands for minority rights), with a commitment to an agonistic understanding of political groups legal decision-making could be an important resource for queer politics and the dismantling of a hegemonic sexual system.

#### The law is malleable and optimism is justified; pessimism ignores specific reforms that both achieved lasting reductions racial inequality and spilled over to broader social movements

Omi 13 Michael Omi (Sociologist at UC Berkeley, focusing on antiracism scholarship and Asian American studies) and Howard Winant (Professor of Sociology affiliated with the Black Studies and Chicana/o Studies departments of UC Santa Barbara), Resistance is futile?: a response to Feagin and Elias, Ethnic and Racial Studies Volume 36, Issue 6, p. 961-973, Special Issue: Symposium - Rethinking Racial Formation Theory. 2013.

In Feagin and Elias's account, white racist rule in the USA appears unalterable and permanent. There is little sense that the ‘white racial frame’ evoked by systemic racism theory changes in significant ways over historical time. They dismiss important rearrangements and reforms as merely ‘a distraction from more ingrained structural oppressions and deep lying inequalities that continue to define US society’ (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call ‘surface flexibility’ to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase ‘racial democracy’ is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, we disagree. The USA is a racially despotic country in many ways, but in our view it is also in many respects a racial democracy, capable of being influenced towards more or less inclusive and redistributive economic policies, social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. It would be easy to conclude, as Feagin and Elias do, that white racial dominance has been continuous and unchanging throughout US history. But such a perspective misses the dramatic twists and turns in racial politics that have occurred since the Second World War and the civil rights era. Feagin and Elias claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we ‘overlook the serious reversals of racial justice and persistence of huge racial inequalities’ (Feagin and Elias 2012, p. 21) that followed in its wake. We do not. In Racial Formation we wrote about ‘racial reaction’ in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attention to our arguments there; perhaps because they are in substantial agreement with us. While we argue that the right wing was able to ‘rearticulate’ race and racism issues to roll back some of the gains of the civil rights movement, we also believe that there are limits to what the right could achieve in the post-civil rights political landscape. So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. Some of the major reforms of the 1960s have proved irreversible; they have set powerful democratic forces in motion. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his ‘interest convergence hypothesis’ effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act on 2 July 1964 – ‘We have lost the South for a generation’ – count as ‘convergence’? The US racial regime has been transformed in significant ways. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls ‘passive revolutions’ – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. So yes, we think there were important if partial victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined ‘others’ and the democratization of structurally racist societies, but also the recognition and validation by both the state and civil society of racially-defined experience and identity. These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other ‘new social movements’: second-wave feminism, gay liberation, and the environmentalist and anti-war movements among others.

### A2 Futurity Link

Generic cards

### A2 Reproduction/Child Link

### A2 Edelman

### A2 Death Drive

## A2 Essentialism

### Link Debate

#### We link turn it

Clements 13 [(Angela, J.D. (2009), UC Berkeley School of Law) “Sexual Orientation, Gender Nonconformity, and Trait-Based Discrimination: Cautionary Tales from Title VII” Berkeley Journal of Gender, Law & Justice, Volume 24 Issue 2 Article 2] AT

Expanding antidiscrimination law to encompass more trait discrimination claims raises valid concerns about line-drawing (that is, which traits to protect) and about reinforcing group-based stereotypes that essentialize identity. 20 2 However, advocating for statutory provisions that separately protect gender identity and sexual orientation would instead seem to lessen the risk of essentialism. This is because disaggregating gender nonconformity and lesbian and gay identity eliminates the need to rely on stereotypes about "gay" or "lesbian" traits in order to find an inference of discrimination.

#### I affirm identity as a fluid process, something the individual can constantly shape and reshape, rather than something rooted in essential biological facts – this is THE anti-essentialist stance

#### Perm do both – the aff’s thesis is consistent with their K and any marginal links are solved by including the alternative

#### Prefer material impacts – the plan would subvert the status quo conception of identity, which is profoundly essentialist. Their alternative can’t effect material change – the plan does it better

Bryant 12 (levi, prof of philosophy at Collins college, Critique of the Academic Left, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/)

The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities.¶ Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. 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Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing?¶ But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done!¶ But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc.¶ What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle.¶ I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation.¶ “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

### A2 Tatchell Link

#### You misunderstand our argument – the argument is that the association of maleness and aggression are socially constructed, not innate – that’s exactly why it’s possible to challenge them

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Deylami 4 [(Shirin, Uminnesota dept of political science) “(Un)Closeting Democracy: The Limits and Possibilities of Legalism in Pursuit of Queer Politics” 2004 Southern Political Science Association Conference: New Orleans, Louisiana] AT

While I am sympathetic to Young and Fajer’s perspectives, I am troubled by their insistence that agents, especially those with more power, will automatically feel more empathy and act accordingly based on their interactions with other groups. This assumes first that these groups are autonomous and preformed and secondly that these “preformed” identity groups will set their struggles for power aside in order to produce some sort of sympathetic unity. But as history shows this assumption is both off the mark and far too idealistic. How might political recognition work in a more pragmatic setting where the struggle for power between different and constantly forming groups is the very essence of politics? Both Ian Shapiro and William Connolly have argued that a thriving opposition is necessary to a healthy democracy. Shapiro maintains that any claim to universality or generality emphasizes and privileges the status quo (Shapiro 1997). Thus recognition should not merely acknowledge difference and then set it aside to pursue a higher good; rather recognition should be understood as recognizing those who you are in opposition with and reevaluating your identity based on that opposition (Connolly 1995). Connolly implores an “ethos of critical responsiveness” as the cornerstone of democratic practice informed by pluralization. Critical to this ethos is a conception of identity that is constitutive through its agonism towards others. Rather than seeing identities pre-formed and then dispersed into the public realm without any consequence to dominating identities, Connolly argues that the proliferation of non-hegemonic identities into the public sphere implicates a major shift in hegemonic identities as well. This critical shift can be very traumatic to hegemonic identities and they may often enfeeble these challengers in order to protect themselves. For the introduction of a new possibility of being out of old injuries and differences contains a paradoxical element: the drive to recognition precedes consolidation of the identity to be recognized, and the panic it often induces in the self-confidence of established identities tempts them to judge the vulnerable entry through disabling identifications already sedimented in the old code. Such a bind sets up the new entrant to be repudiated even before “it” becomes crystallized in the institutions of law, marriage, work, investment, the military, religion, and education (Connolly 1995, XV). From the outset, the new identity is in confrontation with the already established identities and thus incorporates this repudiation into its very existence. In turn, the already established identity, manipulates the language of neutrality and fairness, to create a disjuncture between the pre- existing order and the newly emerging identity. The importance of this paradox is that the already established identity encodes the disruption of emerging identities as necessary to its very existence. This paradox is well illustrated by the relationship between queer identity and its already established counterpart, heterosexuality, where often heterosexuals claim that legal protections of sexuality are unfair “special” protections. 13 Connolly’s recognition of this antagonistic set of relationships helps him to develop and defend an “ethos of critical responsiveness” which hinges on the interconstitutive nature of formed and forming identities. Like Young, he too, argues for the recognition of difference within and among people. But, unlike Young, Connolly pursues recognition beyond representation to look at the way that the acknowledgment of differences can fundamentally shift one’s identity. Recognition of difference is not merely based on empathy or the goal for diverse representation, rather any move to recognize difference is a move to fundamentally alter the nature of all the identities involved. To practice an “ethos of critical responsiveness” identity groups must operate on the acknowledgement that their identities are contingent upon a particular socio-historical framework that is ever shifting as new identities come into the frame. Of course those in power have very little stake in this sort of responsiveness, for they maintain their power by adhering to a set way of being. Even while they may encourage diversity within the public realm, their modus operandi is to maintain their dominance through the delegitimation, but not an erasure, of other’s difference. In the context of the queer and GLBT communities this deligitamcy comes from casting homosexuals as criminal sodomites as in Bowers v. Hardwick or by rendering all forms of subversive sexuality as amoral and predatory. Connolly, thus, argues that it is the task of the emerging identities to unmask the way in which their differences call into question and often alter the being of already established dominant identities. But how do emerging and challenging identities do this given their political and social barriers?

### random

#### More ev

NCTE no date [National Center for Transgender Equality “Transgender Equality and the Federal Government”] AT

Privacy is both a right and a matter of survival for transgender people. Disclosure of transgender status can result in disrespect, discrimination, and even violence. Recent degradation of privacy laws in the United States has disproportionately, though often unintentionally, impacted transgender people. Implementing the following proposals will allow individuals’ transgender status to remain private without negatively impacting national security interests or any other relevant government programs or purposes.

#### FAILURE TO PROTECT DATA PRIVACY CAUSES PEOPLE TO NOT DISCLOSE INFORMATION -- TURNS ALL THE EXPRESSION IMPACTS

Ambrose 13 - Meg Leta Ambrose, Fellow-Harvard Berkman Center for Internet and Society, 2013, "It's About Time: Privacy, Information, Life Cycles, and the Right to Be Forgotten," Stanford Technology Law Review, Winter, 16 Stan. Tech. L. Rev. 369, p. 398

Whether a Preservationist or Deletionist, the above persistence research shows that intervention is necessary to promote either perspective; a lack of intervention represents another perspective in and of it itself. While all information that lands online will not remain there forever, more information finds itself online and may land on a site that maintains its content for a very long time. This information may be truly harmful to reputation and identity, but also may (have) create(d) a norm of non-disclosure that negatively impacts society on a larger scale. The engagement in self-presentation, according to David Velleman, is what it means to be a person. "The person conceives of himself as dynamic and as trying to improve himself morally." n195 Just the threat of digital permanence may prevent what John Stuart Mill called "experiments in living." n196 Without control of self-presentation and room for experimentation, moral autonomy suffers. In order to prevent this type of self-stagnation, limiting access to or deleting personal information from the past has been proposed. Combating permanent information with a right to delete results in take it or leave it options for policy-makers -- they must choose to either support access and expression or privacy and reinvention. Instead, I suggest a more nuanced analysis of old information. Determining whether self-stagnation harms caused by access to personal information, or a lack of control over the flow of personal information, outweigh the value of the aged information requires a closer look at how information changes.

#### Discrimination based on involuntary outing

Amnesty 14 [(Amnesty International) “THE STATE DECIDES WHO I AM LACK OF RECOGNITION FOR TRANSGENDER PEOPLE” 2014 report] AT

DISCRIMINATION AGAINST TRANSGENDER PEOPLE BECAUSE OF THEIR GENDER IDENTITY Whether at school or in the workplace, transgender people are often discriminated against because of widespread prejudices and gender-based stereotypes stemming from standardized notions of masculinity and femininity. Such discrimination occurs irrespective of whether or not transgender people bear documents that reflect their gender identity. However, the lack of such documents can further expose transgender people to discrimination whenever they have to produce a document with gender markers that do not correspond to their gender identity and expression. Such involuntary “outings” are a major concern in countries where transgender people cannot access legal gender recognition or where burdensome and lengthy procedures make it difficult to do so. In a European Union Agency for Fundamental Rights (FRA) survey of lesbian, gay, bisexual and transgender people in Europe (hereafter referred to as FRA LGBT survey), 29 per cent of the transgender respondents said they had been discriminated against in the workplace or while looking for jobs in the year ahead of the survey.12 Thirty-five per cent of them said they had experienced violence or the threat of violence during the five years ahead of the survey. Fifty per cent of those who had experienced violence or the threat of violence in the 12 months ahead of the survey, perceived they had been victimized because of their gender identity.13 In recent years, dozens of transgender people have been killed in Europe – at least 84 since January 2008, with the highest numbers in Turkey (34) and Italy (26).14 Although few states in Europe collect disaggregated data on hate crime perpetrated on grounds of gender identity, existing statistics raise concern. For example, more than 300 hate crimes were perpetrated against transgender people in England and Wales in the United Kingdom in less than a year between 2011 and 2012.15 In some instances, public authorities, including the police, harass transgender people. For example, in 2012 dozens of transgender women in Greece were arrested and forced to undergo HIV tests. The arrests were made on the basis of a regulation that had been introduced in May of that year, then suspended in June 2013 and subsequently reintroduced in July.